

**O HASHI  
AND  
OTHERS  
R - 26**

17 day of *ibid* 1946

**FRISBY**

## KENT'S

Maj. A. KERSHAW, HQ 8 M.D.  
Maj. E. C. MILLIKIN 2/4 Army Regt  
Capt. B. E. COOK War Graves Service  
att 8 M.D.

Are appointed WGS

**JUDITH ADGOCATZ**

Maj. I.A.H. SPAIN AAIC HQ 8 M.D. ) Is appointed JUDGE ADVOCATE

*Luftwaffe* Maj-Gen.  
CO 21 AUST BN.  
CONVICTING OFFICER.

## SCHEDULE

Number, Rank, (a) Name and Unit of Accused	Offence charged	Plea	Finding, and if convicted Sentence (b)	How dealt with by Confirming Officer (c)
Sgt. Maj. OMASHI Shigeru	MURDER			
Sgt. Maj. KOMADA Yoshifumi	in that they at			
Sgt. INOUE Tomihiko	YUNANIA on or			
L/Cpl. HARUSE Yasami	about 18 Sept 44-			
L/Cpl. TAKATA Kazuo	murdered BERNARD			
L/Cpl. KAWAKOTO Yasujirō	half-caste and			
Corp. Pte. OZAWA Motomitsu	seventeen natives			
all of	including YOSIE			
Japanese M. P. Corps.	LUMBE STUAT			
	AMOS TORI NAPA			
	KARUN KUIMBU			
	UNGARMERI MAKING			
	SUNGAIU GOLDJONG			
	ISKAR DUABIN,			
	and SAKI.			

all plead Not Guilty

all found all guilty  
all charges confirmed by Maj Shigenori Komada Yoshifumi  
all found all guilty  
all charges confirmed by Maj Shigenori Komada Yoshifumi  
all found all guilty  
all charges confirmed by Maj Shigenori Komada Yoshifumi

confirm the finding and commutes the sentences to two (2) years

22J-Gen  
COED 1: JUST DIV  
CONVENING OFFICER (d)

imprisonment & confirm 4th sentence as committed  
17 July 46. V. A. S. sentence 1894

CERTIFICATE OF PROMULGATION

Promulgated in the case of S Maj OHASHI, Shigeru this 16th day  
of August 1946.

(Sgd) .....  
Name, Rank and Unit of Officer  
effecting promulgation.

Promulgated in the case of S Maj KOMODA, Yoshifumi this 16th day  
of August 1946.

(Sgd) *Y. H. S. [Signature]* Capt.  
SC (A) 8th Military District....  
Name, Rank and Unit of Officer  
effecting promulgation

Promulgated in the case of this day  
of 1946.

(Sgd) .....  
Name, Rank and Unit of Officer  
effecting promulgation



**NOTE**

The records of the proceedings of the Court will be attached to this form.

- (a) If the accused is not a member of the Navy, Military, or Air Force of an enemy or ex-enemy Power the name, occupation, and residence of the accused will be inserted.
- (b) Recommendation to mercy, if any, to be inserted in this column, or on a separate sheet attached to the proceedings, with the reasons for the recommendation.
- (c) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.
- (d) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialled by him.

B. I CERTIFY that the above Court assembled on the 20<sup>th</sup> 21<sup>st</sup> 22<sup>nd</sup> day of March, 1946 and duly tried the person named in the Schedule, and that the Plea, Finding, and sentence in the case of such person were as set out in the third and fourth columns of that Schedule and that the regulations for the trial of War Criminals have been complied with.

**I ALSO CERTIFY THAT -**

1. The Members of the Court
2. The Judge Advocates
3. The Witnesses
4. The Interpreter
5. The Sherthand writer

were duly sworn.

SIGNED this 23<sup>rd</sup> day of March, 1946.

President of the Military Court

C. I have dealt with the findings and sentence in the manner stated in the last column of the Schedule, and, subject to what I have stated, I HEREBY CONFIRM the above findings and sentence.

17 July 46.

Confirming Officer

PROMULGATED in the case of

(Date) (a) 1946.

Signed.

- (a) When several cases are promulgated on the same day the Officer effecting promulgation need only sign once.



THE WAR CRIMES ACT 1945.

TRIAL OF:

Sgt Maj OHASHI Shigeru	}	all of Japanese M.F. Corps
Sgt Maj KOMODA Yoshifumi		
Sgt INOUE Masami		
L/Cpl NARUSE Masami		
L/Cpl TANAKA Kazuo		
L/Cpl KAWAMOTO Jasujiwa		
Sup Rte OZAWA Motomitsu		

DATE OF COURT

20th March 1946

PROSECUTING OFFICER

Major F. Derham Green, AALC, HQ 8 M.D.

DEFENDING OFFICER

Lt. D. G. E. Hill, Legal qualifications, att War Crimes Section,  
8 M.D.

THE ACCUSED ARE BROUGHT BEFORE THE COURT

THE MEMBERS OF THE COURT AND JUDGE ADVOCATE ARE DULY SWORN

Civilian interpreter HATTORI employed by the Japanese Army is sworn  
as interpreter 'Japanese'

THE CHARGE IS READ TO THE ACCUSED

All accused plead NOT GUILTY to the charge

The prosecuting officer does not desire to make an opening address.

The prosecuting officer states that he does not propose to call any  
witnesses for the prosecution, but tenders statements made by LOKIS,  
REKASU, Frederick William KARRER, and LAROUS.

The defending officer does not object to this form of procedure.

By consent, prosecuting officer tenders statements which are read to  
the court, admitted, and marked.

Statement by LOKIS marked Exhibit 'A'  
Statement by REKASU marked Exhibit 'B'  
Statement by Frederick William KARRER marked Exhibit 'C'  
Statement by LAROUS marked Exhibit 'D'

and annexed to the proceedings.

CLOSE OF CASE FOR PROSECUTION.

Defending officer makes a brief opening address which he does not  
desire to have recorded.

Defending officer proceeds to call first witness for Defence: accused  
KOMODA.

1ST WITNESS FOR DEFENCE

Accused Sgt Maj KOMODA being duly sworn is examined by Defending Officer through interpreter Hattori.

Guided by my conscience I swear to tell the truth without withholding any evidence whatsoever and also, I will not add anything besides the truth.

舊田嘉文

My name is Sgt Maj IKOMODA Yoshifumi of the Japanese Military Police Corps. I was the officer in charge of maintenance of peace section at the Vunarima area on April 44. At Vunarima about that month which covered the Rabaul district was considered the main defence area of the Rabaul area and it was considered a very forward line. The JG in C Gen Immura had issued the No 2 Preparation order. All the units in the Vunarima area were at their battle positions. The attitude of the natives in that area was very anti Japanese and that they used to commit acts of treason and had a rebellious attitude, stealing provisions and petrol and in all it was very anti Japanese. Desertion by natives were very frequent. I and my unit were responsible for the maintenance of peace and order in the area. I remember the incident of the explosion of 800 drums of petrol. I was despatched to make the investigation of this explosion and when I did make this investigation I learned that the explosion of petrol in drum ~~drums~~ had exploded but among them I found that there was one rib cut in a drum ~~barrel~~ which had been caused by an axe. I considered the explosion to be the result of sabotage. I remember the attack on Marusa. It was a native who attacked him. I remember who the native was. I remember the attack on civilian Fujiwara. I remember him being threatened by 3 natives with rifles. Shimaji was shot at by on the banks of Keravat river. It was a half caste named Bernard responsible. I investigated that matter. I remember wholesale robberies from the hospital. I found out who was responsible for that. I found out that Bernard gave orders to two natives to ~~take~~ this, and I therefore found out who was the responsible party. On 14 Aug Lakunai LAs brought in Anos and natives for questioning. They were interrogated by me. I found out that they were working under the instructions of Bernard. I found out that they had been gathering firearms and carrying out anti Japanese activities. I did not illtreat them in any way during the interrogation. On 22 Aug I searched Bernard's house. At that time there was a WO Matsumoto in charge who gave me the instructions to go to Bernard's house to search it. I went to Bernard's house with Sup ~~Sgt~~ ~~Major~~. I found in his personal belongings one colt pistol and rounds of ammunition. Instructions had been given that they were not to have firearms. The firearms were confiscated from Bernard's house. I found them in his clothing box. I took him back to Vunarima and his interrogation began. Bernard was in the house himself at this time. On 27th Aug he made a final confession. He confessed, that "In view of the fact that the Japanese had come to the island his life had become unbearable and very difficult and in order to have peace come once again the only way out was to get rid of the Japanese." "In order to combat this type of situation it is necessary for me to carry out treason and other rebellious activities and therefore I assembled about 25 men." "In order to carry out such activities I had assembled the men as well as fire arms and these firearms included 11 rifles 256 rounds of ammunition and about 20 hand grenades." He did state where he got the fire arms from. The rifles were brought from a place called Toma which the Australians had left in their retreat from Rabaul, and the hand grenades were stolen on his orders from a Japanese ammunition dump. The ammunition for their rifle was brought from the same place as the rifles came from. Bernard did give an explanation about the explosion of the gasoline. Bernard stated at the time he ordered ~~saga~~ and two other natives to carry out his gasoline explosion. Bernard himself stated that he attacked Shimaji with his pistol. He also admitted that ~~he gave orders to his native subordinates~~ ~~that he carried out by one of his men.~~ he did state that there were rifles and ammunition stocked around his house. As a result of that I went to his house near Bernard's and arrested ~~natives~~. I found there 11 rifles 256 rounds of ammunition for the rifles and 20 hand grenades. I proceeded to interrogate the natives.

*[Handwritten notes:]*

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They confessed that they had been acting on instructions of Bernard. They admitted that they intended to get rid of the Japanese and ~~use the firearms against them for this reason, with the purpose of spreading the idea of liberation amongst the Japs.~~ ~~My report was sent to the MF Hq at Rabaul on 31 Aug.~~ On Sept 3rd Lt. Yamada came to the Vunarima detachment. He again investigated the whole matter. He commenced the investigation to see the object of such activity. The investigation commenced on Sept 4th. He interrogated Bernard and the natives. Then he went back and made reports to MF Hqs. He came to and from Vunarima to carry out these investigations about three round trips. He came again in 12 Sept. ~~On the 15th Sept three NG native boys came to the detachment and asked to be employed.~~ At that time Ohashi stated that he must receive permission of the detachment of the officer in charge and that he would get the permission the following day and that in the meantime they could dig caves. I do not remember their names. ~~On the early morning of the 14th I wanted to call in the 3 native boys to ask them some questions but I found out that they had gone away.~~ I thought it was very strange that they would leave without saying anything and then I asked Ohashi what happened to the three boys. He said that the 3 boys had been working together with Bernard in digging the caves. Then I noticed that among the natives the feeling became rather excited. They were the natives that were working in digging the caves. I heard from Ohashi that these three boys had been talking with the natives who were already confined and among them was Josef. At 1030 that morning a native ~~agent~~ came back running. The report that I received from the native was that the NG native boys were contemplating an attack against the Jap MF to get Bernard and his party released. He mentioned ~~the attack was planned for~~ the MF would be resting. Then thinking about the 3 natives of the previous day and what this native boy had told me, I reported the matter to Lt. Yamada. Then Lt. Yamada ordered me that a Military trial will be held urgently. This court was composed of Lt Yamada Ohashi and myself and the interpreter L/Cpl Tanaka. Lt. Yamada opened the court and spoke a few words and then with all the interrogation papers in front of him and the evidence of the rifles and the firearms, and then Bernard and his party were brought into the room. Then each man was brought forward and Lt Yamada went through the court proceedings. After all the men had been brought before the court and the court proceedings completed ~~the court made a decision over the case.~~ As the result of the conference between the three of us, the death sentence was unanimous. Then the matter was referred to the MF Hq for confirmation. Then Lt. Yamada telephoned the Provosts martial and an order came from the Provost martial confirming the sentence and that it should be carried out and then a warning should be issued to all the natives that such rebellious activities should not be permitted. This order was conveyed by telephone. There was a written confirmation of the order. I did see it. It ~~was signed by~~ the Provost Martial's personal seal upon it. Then Lt Yamada ordered me to carry out the execution with my subordinates and that assistance from other units would be obtained to carry out this order, and then Bernard and his party were executed. Myself and the other accused executed nine men. That did not include Bernard. I remember that it was a naval man who had come to assist in the execution that killed Bernard. Since I was ordered by Lt Yamada I believed it to be a lawful order. The navy men killed five and the natives killed three. They were the native ~~Kappei~~ boys.

Q. Did that trial appear quite regular to you.

A. Ordinarily they would be sent to a Court martial ~~but under these circumstances it was recognised that under this circumstance that a military summary trial could be held.~~

Q. Who took the initiative in deciding that.

A. It was the C in C of the 8th Army

Q. Who took the initiative in deciding whether these particular circumstances warranted a summary trial instead of a court martial.

A. Lt. Yamada.



Q. Did you have any reason to doubt his decision.  
A. No.

Q. Did the whole trial with proceedings seem a lawful affair to you.  
A. Yes, I believed it to be a lawful ~~trial~~ and fair trial.

Q. As far as you knew ~~that~~ was it properly conducted.  
A. Yes, it was conducted properly.

Q. Was the charge read out to the accused.  
A. Yes, the charge was read out.

Q. Can you remember how they pleaded.  
A. They pleaded guilty.

Q. Were witnesses examined again.  
A. Yes, they were examined again.

Q. Were the accused questioned again.  
A. Yes, they were questioned again.

Q. Was there any intimidations of the accused at all.  
A. No, there was no intimidations.

Q. Were they chained or tied up in any way.  
A. No, they were not.

Q. Were they all in Court at the same time.  
A. Yes, they were all brought in court.

Q. Who actually pronounced the verdict of guilty.  
A. It was Lt. Yamada.

Q. Who actually pronounced sentence.  
A. It was Lt. Yamada.

Q. Was it pronounced to all the accused in court.  
A. Yes, it was pronounced to all.

DEFENDING OFFICER SHOWS BOOK TO WITNESS.

Q. Are you familiar with that book.  
A. Yes.

Q. Tell the court what it is.  
A. It is the book of regulations of military discipline.

Q. Is that the book that ~~the~~ ~~you~~ ~~must~~ know the provisions of ~~this~~ ~~book~~.  
A. Yes.

Q. Were you at this time familiar with its provisions.  
A. Yes I was very familiar.

DEFENDING OFFICERS SHOWS ANOTHER BOOK TO WITNESS.

Q. Do you recognise that book.  
A. Yes.

Q. What is that book.  
A. It is fundamental principals of Japanese tactics and operations.

Q. Were you familiar at the time with the provisions of that book.  
A. Yes I was.

BOOKS MARKED FOR IDENTIFICATION.  
1st Book is marked MF1  
2nd Book is marked MF2.

Q. Were the accused asked if they had anything to say at the end of the trial.  
A. They were asked if they wanted to state anything.

A (cont) it was at the execution that we asked them if they had anything further to say.

Q. About what.

A. If there was any last will they wanted to make to their parents or relatives.

Q. They gave their final will.

A. They stated there was nothing they wanted to say.

Q. Were they led up one by one for execution.

A. Yes, they were taken one by one and executed.

Q. The mode of execution was what.

A. They were beheaded by sword.

Q. Is that a lawful and honourable means of execution in the Japanese Army.

A. Yes. It is a custom in the Japanese Army and it is considered honourable.

Q. Were any shots fired at the bodies.

A. After beheading these men in order that some of those who did not die immediately would not suffer they were shot.

Q. Does that mean that some of the heads did not roll off immediately.

A. Yes that is what I mean.

Q. Did you make sure that all the bodies were dead before covering them over with dirt.

A. Yes. I saw to it that they were completely dead before burial.

Q. Did you make arrangements for a burial ceremony.

A. Yes I did have a form of ceremony.

At 1200 hrs Court adjourn to 1330 hrs.

At 1335 hrs Court re-assembles pursuant to adjournment.

~~DEFENDING OFFICER CONTINUES EXAMINATION~~

CROSS EXAMINED BY PROSECUTING OFFICER.

Q. Was there a written charge sheet at the time of this trial you have described.

A. Yes, there was a written charge sheet.

Q. ~~What was the charge sheet.~~

A. ~~It was a charge sheet for the trial of the Japanese Army.~~

Q. Did the signature or seal of the Provost Martial appear on the charge sheet.

A. This trial that Lt. Yamada held was carried out by Lt. Yamada himself and I did not see any seal of the Provost Martial.

Q. Do you know whether the charge was referred to the Provost Martial before trial.

A. The documents were referred to the Provost Martial before trial. Particulars of the charge were referred to the Provost Martial and Lt. Yamada brought back the documents from the Provost Martial himself.

Q. You actually perused the written charge yourself.

A. Yes I did.

Q. Was there more than one charge.

A. Yes, there was more than one charge.

Q. How many.

A. There were 5 charges.

- Q. What were they.  
A. The first charge was the assault on Shimaji.
- Q. Who was that charge against.  
A. It was against Bernard and his party.
- Q. How many.  
A. Eighteen in all, that is all the people who were executed.
- V8 Q. What is the second charge.  
A. The attack against Maruse was ordered.
- Q. Who were the accused in that charge.  
A. A boy called Karun.
- Q. And the third charge.  
A. Against Mapa and two others for blowing up this gasoline dump.
- V8 Q. And the fourth charge.  
A. Against Voser and two others on the orders of Bernard to steal provisions.
- V8 Q. Charge No 5.  
A. The fifth one was against Anos and ~~three~~ others for stealing grenades and handing them over to Bernard.  
V8 The fifth charge was that on Aug 10th Anos and three other natives for spying on Army HQ as well as stealing grenades from the Liguam Ammunition dump on the orders of Bernard.
- Q. What witnesses were called on the first charge of assault on Shimaji.  
A. Shimaji himself was called. He was the only witness called.
- Q. What was the exact nature of the assault on Shimaji.  
A. The evidence that was given in that case was that Shimaji who had gone out on an observation trip who had returned about 5 o'clock in the evening around the Karavet River and he was fired upon several times, but fortunately he dropped to the ground to save himself and he noticed a native escaping.
- Q. Was it just one native.  
A. It looked like a native, but was wearing a shirt.
- Q. Was that the full extent of Shimaji's evidence.  
A. That was all the evidence that he stated.
- Q. And he was the only witness.  
V8 A. There was no other persons at the scene of the incident.
- Q. Were the accused who were charged found as guilty of all five charges.  
A. Yes, that is correct.
- Q. On the first charge of assault against Shimaji 18 people were found guilty.  
A. That is correct.
- Q. Two books were put in this morning. Are you quite familiar with the entire contents of both.  
A. Yes, I know the contents.
- Q. Do you know whether all the accused are familiar with the contents of those books.  
V8 A. I think they know the contents. Of course it may be a long time since they refreshed their memories for some time.
- Q. On 18th Sept 44 ~~Maruse~~ was it their duty to know the contents of those books.  
A. Yes.
- Q. Will you show me in either of those books the provisions relating to a summary trial.



- Q. What were they.  
A. The first charge was the assault on Shimaji.
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A. It was against Bernard and his party.
- Q. How many.  
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A. Yes, I know the contents.
- Q. Do you know whether all the accused are familiar with the contents of those books.  
A. I think they know the contents. Of course it may be a long time since they refreshed their memories for some time.
- Q. On 18th Sept 44 ~~Mazurkay~~ was it their duty to know the contents of those books.  
A. Yes.
- Q. Will you show me in either of those books the provisions relating to a summary trial.

A. Lt. Yamada under article 5 of the Fundamentals of Japanese tactics and operations in view of the pressing situation carried out the trial.

Defending officer tenders certified translation of Article 5 referred to above. Article read and admitted in evidence and marked Exhibit "A"

Q. Is that the only authority under which Lt. Yamada conducted the trial.

A. It is not only that. In view of the urgent and pressing situation at that particular time immediate means of defence was necessary. It was recognised by the GOC 8th Army that in such a pressing situation that he could carry out the summary trial.

Q. Was there a written instruction to that effect.

A. Yes there was a written instruction to that effect.

Q. Where is the written instruction now.

A. There isn't any documents left now.

Q. How many summary trials did you sit on pursuant to that order.

A. That was the only time.

Q. When was this order issued by the GOC.

A. I have seen the order but I cannot remember the date.

Q. What other kinds of trials are there under Japanese Military Law.

A. There is what we call the court martial.

Q. Are there any other form of trials.

A. Other small trials for petty offences.

Q. Is there an authorised scale of punishment in respect of trials for petty offences.

A. Yes there is a scale of punishment.

Q. In what book is that scale laid down.

A. It is included in the Military Rules and regulations.

Q. And what is the maximum permissible punishment on that scale.

A. Whipping.

Q. When the GOC authorised the special summary courts did he lay down a scale of punishment.

A. I have not seen the scale of punishment.

Q. When you sat on this court and you deliberated as to sentence, what was your guide as to punishment.

A. We compared the crime committed, ~~xxxxxx~~ and to compare the crime with the punishment

Q. How do you know that death was a legal punishment.

A. Because an act of war treason would be the death penalty.

Q. At what stage of the trial are the accused asked to plead.

A. At the beginning of the proceedings.

Q. You told us in evidence in chief that the accused were questioned at the trial. If they pleaded guilty why was that necessary.

A. Despite the fact that they did plead guilty it was necessary to confirm the whole thing in the proceedings.

Q. Is stealing an act of war treason.

A. Stealing may not be war treason but in this particular case it was ~~xxxxxx~~ by Bernard and his conspirators.

Q. Why was Bernard not charged with stealing.

A. Bernard in general was charged.

Q. Am I to take it then that there were 6 charges.

A. Bernard was charged for everything in general he was the ringleader



- Q. Was there a sixth charge.  
A. There was no sixth charge against Bernard.
- Q. ~~Maximilian~~ In the charge against Ande and three others, was Bernard one of those three others.  
A. No he was not on that charge.
- Q. Yosef and two others. Was Bernard in that charge.  
A. No he was not included.
- Q. Mapa and two others was he in that charge.  
A. No he was not included.
- Q. Against Karu?  
A. No he was not in that charge.
- Q. In the charge of the assault on Shimaji was he in that charge.  
A. Yes, he was in that.
- Q. Was Bernard identified by Shimaji.  
A. Yes.
- Q.

REEXAMINED BY DEFENDING OFFICER

- Q. What ~~exactly~~ did you think warranted a summary trial instead of a court martial.  
A. The reason for having an urgent Military summary trial was the New Guinea natives had already planned to attack the Japanese MP detachment in order to free Bernard and his party and therefore it was most urgent.
- Q. Do you honestly believe that at that time it was justified on those grounds.  
A. Yes, I believe it was fair on those grounds.
- Q. How far did you rely on the advice and opinion of Lt. Yamada in coming to the verdict.  
A. Lt. Yamada was the centre of this whole decision and I did not contradict his decision.
- Q. Did you yourself honestly believe the accused to be guilty.  
A. Yes I believed them to be guilty.

QUESTION BY COURT

- Q. At what time of the day on 14th Sept, the sentence was passed.  
A. The sentence was passed at 1130 in the morning.
- Q. Was that on all the accused.  
A. Yes on all the accused.
- Q. At what time was the execution carried out.  
A. It commenced from 1230 on the same day.
- Q. At what time was the working party detailed to dig the grave.  
A. From 1150 a.m.
- Q. And how many was in the party detailed to dig the hole.  
A. There was about 10 men.
- Q. You mentioned that an attack was expected by some natives about noon according to information received. Did such an attack take place.  
A. No attack was carried out.
- Q. Can you inform the court as to when the written confirmation arrived from the Provost Martial with regard to the sentence.  
A. It arrived in the night of the 14th. at about 8 o'clock I think.



Sheet No. 9

NO FURTHER QUESTIONING.

Evidence is read over to witness who does not desire to correct same.

I swear that I have told you the truth without adding anything.

葛田嘉文

SECOND WITNESS FOR DEFENCE

Gen. IMAMURA being duly sworn is examined by Defending Officer through interpreter Hattori.

Guided by my conscience I swear to tell the truth without withholding any evidence whatsoever, and also I will not add anything besides the truth.

今村均

Q. What is your full name rank.

A. I am General HITOSHI Imamura C in C of the 8th Group Army

Q. Did you make the Vunaria area an emergency area in April 44.

A. Yes, I did make it an emergency area.

Q. In the case of the inhabitants of occupied territory who are charged with war treason and war rebellion what are the usual means of proceedings against such persons.

A. In this area I heard that there were espionage activities such as signalling to enemy aircraft and other rebellious activities. Under normal conditions it would be to send the person to a court martial but under pressing circumstances unit commanders would have the authority which had been provided by the Emperor to carry out on their own for the protection of the army.

Q. Exactly what is that authority.

A. To carry out for the protection of the Army.

Q. Where does this authority apply. Does it apply in an emergency area.

A. It would come under that emergency area and the fundamental principals of Japanese tactics and operations would apply.

Q. Would that apply to a summary trial in the field.

A. It is provided that in case the accused cannot be sent to a court martial then the unit commander may carry out his own investigation and decision.

Q. Do you know of anything which regulates the holding of a summary trial.

A. No there is not.

Q. On whose judgement would the conduct of a military trial rest.

A. It would rest with the unit commander of that particular area.

Q. Would an officer representative of MP HQs have authority to preside at a summary trial held in a unit detachment.

A. It is possible if the circumstances are pressing.

Q. Would the person who judges whether the circumstances are pressing or not be the officer representative of the MP HQs visiting the detachment. Would he be the person to decide whether the circumstances are pressing.

A. Yes he can. I also recognised the fact that New Britain was considered a very forward area in that the allies would be landing at any moment.

Q. Is there anything irregular about NCO's sitting in judgement in a summary trial.

A. Normally and officially an officer must preside but in case officers are not available in that particular unit then a non commissioned officer may sit.

Q. Is it quite regular for a summary trial to consist of an officer and two NCOs.

A. I cannot say whether it is normal or not but it depends on the circumstances. It would be guided by the principals laid down in the Fundamental principals of Japanese tactics and operations that normally an officer would be in charge but in case the unit commander is an NCO then he may sit on the court.

Q. In any event he would be required to do what the officer told him to do.

- A. That is the principal.
- Q. May a summary trial pass the sentence of death.
- A. It is possible if the unit commander decides so and it would be definite under military operations.
- Q. Do you consider that the Vunarima comes within the meaning of the military operations area, at this particular time.
- A. This Vunarima area was considered as an anticipated allied landing point and was therefore considered very tense.
- Q. Would that sentence have to be confirmed by a higher authority before it could be carried out.
- A. Normally a confirmation is required by a higher officer, and when I did find out about this incident it was after the whole incident was completed, and I acknowledged the fact that under the circumstances at that time it was ~~xxxxxxxxxx~~ justified.
- Q. Would verbal confirmation from the provost martial give authority to carry out the sentence.
- A. In that incident I would consider it sufficient.

NO CROSS EXAMINATION

QUESTION BY COURT

- Q. Is it the normal method of execution by beheading, as was carried out in this instance.
- A. Normally shooting would be the method but there is a long tradition in the Japanese people that beheading is more honourable for the person to be executed.
- Q. Under the circumstances that existed in this particular case is it normal to give a saboteur ~~an honourable~~ honourable death.
- A. In this circumstance beheading was the Japanese method which would be more honourable and although Japan does recognise the western system of shooting there is still that tradition still remaining in the Japanese custom.
- Q. Is it normal that shooting should also take place to make sure that the victim is killed in case the beheading was not completed properly.
- A. Ordinarily when a beheading takes place and if the person is not killed then a second stroke with the sword would be normal. ~~It is not permissible according to Japanese Military codes but~~ beheading is a Japanese tradition.

QUESTION BY DEFENDING OFFICERS BY LEAVE OF COURT.

- Q. If the victim was shot after the sword cut to alleviate pain ~~and~~ there be anything unlawful in that.
- A. Whether it is lawful or unlawful but from a humane point of view I would consider that to alleviate pain it would be a humane thing to do.

Evidence is read over to witness who does not desire to correct same.

I swear that I have told the truth without adding anything.

今村 均



At 0920 hrs on 21 Mar 46 Court reassembles pursuant to adjournment; present the Judge advocate and same members.

THIRDAITNES FORDEFENCE

The accused Ohashi being duly sworn is examined by Defending officer through interpreter Matori.

Guided by my conscience I swear to tell the truth without withholding any evidence whatsoever and also, I will not add anything besides the truth. 大橋 茂

- Q. Rank full name and unit.  
A. I am Ohashi Shigeru Sgt Maj of the Vunarima MP detachment
- Q. What was your position in Vunarima in April 44.  
A. I was in charge of any incidents arising from soldiers and civilians and at times assisted Sgt Maj Komoda.
- Q. Were you subject to the orders of Komoda.  
A. No, I was not subject to his orders. I was subject to the orders of the detachment OC.
- Q. What was the name of the detachment OC.  
A. The OC of the detachment was ~~xxxxxx~~ Takahashi Kikuya.
- Q. In Takahashi's absence were you then subject to the orders of Komoda.  
A. Yes.
- Q. What actually was Komoda's position.  
A. Sgt Maj Komoda was in charge of the maintenance of peace.
- Q. Was ~~he~~ <sup>there</sup> IC of the detachment  
A. Yes, it was Sgt Maj Komoda.
- Q. Do you remember the summary trial of Bernard and 17 natives.  
A. Yes, I do remember.
- Q. Who was present on the bench of that trial.  
A. There were 4 men, Lt. Yamada, Sgt Maj Komoda, myself and interpreter Tanaka.
- Q. Were you ordered to be a member of the bench.  
A. Yes.
- Q. Who ordered it.  
A. It was Lt. Yamada.
- Q. Were all the accused brought into court.  
A. Yes, they were all brought into court.
- Q. And were the charges read out to them.  
A. Yes.
- Q. As far as you can remember did those charges include ~~xxxxxx~~ Bernard and all the 17 natives in court.  
A. Yes.
- Q. And were they all asked how they pleaded.  
A. Yes, they were all asked.
- Q. And what did they all plead.  
A. They pleaded guilty.
- Q. Will you tell us what were the proceedings from then on.  
A. Firstly Bernard was brought in front of Lt. Yamada and was confronted with the following evidence, 11 rifles, 255 rounds of ammunition, 20 hand grenades, 1 colt pistol and 20 rounds of ammunition for the pistol.

Q. What was that crime.

Q. He admitted the fact that he was making war treason as well as preparing rebellious activities and that the course of this rebellious activities were carried out.

4. Did he say anything in respect to the fire arms and ammunition in court.

A. With regard to the arms and ammunition he stated that he ordered Jaking and the three other natives to obtain ammunition. As regards the hand grenades Bernard ordered Anos and three other natives to steal the grenades from the Japanese ordnance stock.

A. As regards the colt pistol and cartridges for same he said that he got them from a depot which the Australians had left behind in their retreat. The ammunition for the rifles were brought from the same place as the rifles which was at Toma. All these ammunitions were hidden in the vicinity of his house at a big tree. The pistol itself was discovered in Bernards clothing box in his house. He further admitted that this was the pistol that he used in attacking Shimaji. When questioned about the explosion of the gasoline dump Bernard admitted that he ordered Mapa and two other natives to carry out this sabotage.

Q. Who was asking the questions.

A. It was done by Lt. Yamada. He further admitted that Anos and three other natives were ordered to go sneak into the Japanese camp to obtain information as well as stealing hand grenades from this ammunition dump. It was further stated that he ordered Josef and 3 other natives to carry out enormous thefts to be used in rebellious activities. That Bernard ordered Angau-marj to threaten a Japanese called Fujiwara. ~~xxxxxxxxxxxxxx~~. Bernard did not order Karun to carry out this attack on Naruse but Karun carried it out on his own. Bernard also stated that the object of his activities was to weaken the Japanese Army. ~~xxxxxxxxxx~~ This is all I remember.

9. Do you remember if any of the natives were called to corroborate the evidence of Bernard.

A. Yes.

g. Give us the details of what they said and so on.

A. The natives state that they were also their intention to carry out rebellious activities.

9. Did all of them confess that.

A. Yes, they all stated that.

9. When the verdict was reached was it announced ~~that~~<sup>to</sup> Bernard and the 17 natives in court.

A. Yes it was pronounced to all.

4. who pronounced it.

Q. It was Lt. Yamada. It was guilty.

Q. Can you tell us exactly what was your function on the bench.

Q. I was ~~asked~~ ordered by Lt. Imada to sit on the bench.  
I did not have any special duties.

8g

Q. Did you have a vote in the final vote and sentence  
A. I did not vote. Lt. Yamada stated that the sentence should be as such and I did not make any remarks.

Q. What was the sentence pronounced by Yamada.

A. "He stated that it was very clear that you have carried out acts of sabotage and war treason and therefore you are sentenced to death."

Sheet No 14

Q. Did he state the method of execution.

A. No, he did not.

Q. Did he order anybody to arrange and carry the execution out.  
A. Then Lt. Yamada ordered Sgt Maj Komoda to use Sgt Maj Yamashi and the rest of the Lt as well as two members of the Navy and 3 native Aomori boys to carry out the execution by sword.

Q. Were you yourself ordered to take part.

A. I was ordered.

Q. By whom.

A. I was ordered by Lt. Yamada.

Q. ~~Did he order anybody to arrange and carry the execution out.~~  
A. ~~Then Lt. Yamada ordered Sgt Maj Komoda to use Sgt Maj Yamashi and the rest of the Lt as well as two members of the Navy and 3 native Aomori boys to carry out the execution by sword.~~  
was there a burial ceremony.

A. We held an official burial ceremony by lining up all the men in front of the grave and called the native priest to offer prayers and then everybody saluted and the ceremony was closed. We offered flowers to the grave.

Q. Are the rest of the accused apart from Komoda regulars Mrs.

A. Yes. Only Sgt Inoue is a Lt, and the rest are just soldiers who were attached to the Lt for duty.

Q. Are you familiar with the regulations for military discipline enacted by the Emperor in 1943.

A. Yes, I do know the contents.

Q. Are you familiar with particulars of the articles in that publication, with regard to obedience.

A. Yes, I am familiar.

Q. Was there anything about this summary trial which struck you as being improper and unlawful.

A. Yes, I believed it to be a fair trial.

Q. Did you yourself honestly believe that Yamada's orders to you were proper and lawful.

A. Yes, I did believe ~~them~~ to be lawful.

Q. Is it true that an attack was ~~expected~~ by hostile natives with the object of rescuing Bernard and his companions.

A. Yes. The native agents brought the information that the Lt detachment would be attacked.

At 1010 hrs Court adjourns to 1330 hrs on 21 March 46.

Court further adjourns until 0900 hrs on 22 March 46.

At 0900 hrs on 22 Mar 46 Court reassembles pursuant to adjournment present the Judge Advocate and some members

Q. What time was it that this native came in with the report.

A. He came around 1030.

Q. Did you notice any signs of excitement among the other natives in the detachment compound.

A. About 2 or 3 natives of Bernard's party were again questioned when the report came in ~~that the natives were planning to attack the detachment.~~

Q. What time did the trial end.

A. The trial ended at 1130.

Q. What time was the hole dug in preparation for the execution.

A. It was about 1150 in the morning.

Q. Was that after Lt. Yamada had pronounced sentence and given



Q. (cont) orders for the execution to be carried out.  
A. Yes.

CHOS EXAMINED BY PROSECUTING OFFICER

Q. Where was this trial held.  
A. This trial was held at the Vunarima MP detachment investigation room.

Q. How big was the room.  
A. The size of the room would be 6 by 8 paces.

Q. In addition to the court were there any spectators present at the trial.  
A. No, there were no spectators.

Q. How many witnesses were called altogether excluding the accused.  
A. ~~There were 2 witnesses, Shimaji and Maruse.~~ There were 2 witnesses, Shimaji and Maruse.

Q. Was Maruse present throughout the entire proceedings.  
A. He only appeared when it concerned him in the case.

Q. Was Shimaji present during the whole proceedings.  
A. He was there only when he was required.

Q. Who was the interpreter.  
A. It was L/Cpl Tanaka.

Q. Was he present during the whole of the proceedings.  
A. Yes, he was there from the beginning to the end.

Q. How was the court room arranged.  
A. The accused stood standing in front in two lines and the members of the court were sitting down on one side.

Q. Was the interpreter sitting down with the court.  
A. No, the interpreter was standing.

Q. Was there a table in the court room.  
A. Yes, there was one table in front of the presiding officer.

Q. Were the accused charged individually or as a group.  
A. They were charged in a group.

Q. Were all charges interpreted to ~~them~~.  
A. Yes.

Q. Was the evidence of the witnesses Shimaji and Maruse interpreted to ~~them~~.  
A. Yes, it was interpreted to them.

Q. Did they give evidence as to all the details of those two charges.  
A. Yes.

Q. For how long did Shimaji give evidence.  
A. It was about 3 minutes.

Q. And for how long did Maruse give evidence.  
A. It was only for about a minute.

Q. Did each accused have an opportunity of making a full explanation.  
A. Yes.

Q. And did each accused make an explanation.  
A. Yes.

Q. Were those explanations interpreted in full to the court.  
A. Yes.

Q. How long did the court confer before arriving at a finding of guilty.  
A. It took 10 minutes.

Q. (cont) orders for the execution to be carried out.  
A. Yes.

Q. Q. EXAMINED BY PROSECUTING OFFICER

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A. Yes.

Q. How long did the court confer before arriving at a finding of guilty.  
A. It took 10 minutes.

- Q. Did the accused have a full opportunity of addressing the court in mitigation of sentence.  
A. Yes, it was done.
- Q. Did the accused take advantage of that opportunity.  
A. They stated that there was nothing to say.
- Q. Was each one given the opportunity separately.  
A. Yes.
- Q. Were their answers taken separately.  
A. Yes.
- Q. For how long did Bernard address the court altogether.  
A. About 20 minutes.
- Q. For how long did Koser address the court.  
A. For about 3 minutes.
- Q. Lumbes.  
A. I do not remember.
- Q. Etuat.  
A. I do not remember.
- Q. Anos.  
A. Anos would be about 2 minutes.
- Q. Tobimafa.  
A. I do not remember.
- Q. Mapa.  
A. About 3 minutes.
- Q. Karun.  
A. About 2 minutes.
- Q. Kuimbu.  
A. I do not remember.
- Q. Ungamari.  
A. About 2 minutes.
- Q. Jaking.  
A. About 2 minutes.
- Q. Sugui.  
A. I do not remember.
- Q. Golujong.  
A. I do not remember.
- Q. Iskar.  
A. I do not remember.
- Q. Duabin.  
A. I do not remember.
- Q. Saki.  
A. I do not remember.
- Q. However you do remember that each of the accused made a full explanation.  
A. Bernard and the rest of his party were given the opportunity of giving explanation.
- Q. Did each of the accused make a full explanation.  
A. Yes, they did.
- Q. And were these explanations fully interpreted.  
A. Yes, they were fully interpreted.
- Q. After the accused had made their explanation did the court ask them questions or any of them.



- A. Yes, they were.
- Q. Were all of them questioned by the court.
- A. Only the presiding officer asked the questions.
- Q. Did he question all the accused.
- A. Yes, he did question all the accused.
- Q. Did all questions and answers go through the interpreter.
- A. Yes, it was through the interpreter.
- Q. At what time did the trial commence.
- A. It started around 1040.
- Q. After the natives had been given an opportunity of speaking in mitigation of sentence did the court confer again as to what the penalty should be.
- A. Yes they conferred for about 10 minutes on the question of sentence.
- Q. Would you be satisfied if you were getting a similar trial today.
- A. Yes, I would be satisfied.
- Q. Was a defending officer provided for these natives.
- A. No, it was not provided in view of the time element.
- Q. Did any natives or Bernard make a general address on behalf of anybody.
- A. Bernard ~~made a general address~~ did speak generally.
- Q. Was that address in addition to his own address in respect to his own offence.
- A. It was for all the accused. It was separate for his own.
- Q. How long did that general address take.
- A. He probably talked for only about a minute.
- Q. Were the accused <sup>Inoue</sup> ~~James~~, Kawamoto and Maruse aware of what took place at this trial.
- A. Yes. They were aware that the trial was being held but they would not ~~be aware of the nature of the proceedings.~~
- Q. Did Inoue, Maruse, Kawamoto, and Ozawa supervise the digging of the hole.
- A. No, they did not.
- Q. Were they present when the hole was commenced.
- A. No they were not there. They were still at the MP detachment.
- Q. Did you see the written charge sheet.
- A. Yes, I saw Lt. Yamada had it.
- Q. Did You read it.
- A. No I did not read it.
- Q. Did you hear the charges read out by Lt. Yamada.
- A. Yes, I did hear it.
- Q. What was the charge against Bernard.
- A. The charge against him was war treason and rebellion.
- Q. Was he charged with anything else.
- A. Inside of that was also the charge of assault against Shimaji, and that he had ordered natives to carry out sabotage activities, that is blowing up of gasoline dumps, and the pilfering of arms, and to the assembling of ordnance and the stealing of provisions, and to investigate the Japanese Army strength. As far as I can remember, that is all I can remember.
- Q. Was that all read out from the charge sheet by Lt. Yamada.
- A. Yes.
- Q. And was fully interpreted to Bernard.
- A. Yes it was interpreted.

- Q. Who gave evidence in respect of the blowing up of the oil dump.  
A. Mapa and two others gave evidence.
- Q. Was that evidence against Bernard.  
A. The evidence was that they were ordered by Bernard.
- Q. In addition to giving that evidence on the charge of blowing up the dump did they also give evidence in their own defence.  
A. Yes, they did.
- Q. On the charge of stealing you have told us that Yosef and two others were charged. Who gave evidence on that charge.  
A. At that time Yosef and the two other natives stated that they were ordered to do so by Bernard.
- Q. In addition to that evidence did they also give evidence in their own defence.  
A. Yes they did.
- Q. On the fifth charge of spying and stealing grenades. Anos and three others were charged. Did they give evidence against Bernard.  
A. Yes, they did.
- Q. In addition to that evidence did they also give evidence in their own defence.  
A. Yes.
- Q. Was any other person identified in respect of Bernard's assault against Shimaji.  
A. Yes, it was Shimaji.
- Q. Was any other native identified regarding that incident.  
A. No, there was no other native identified.
- Q. Who was found guilty in respect of the assault against Shimaji.  
A. Bernard admitted the guilty.
- Q. Was Bernard the only one found guilty on that charge.  
A. Not only Bernard but all the rest of the natives were also found guilty.
- Q. On what evidence were the other 17 found guilty.  
A. The reason why they were all found guilty is that they were all under orders of Bernard in carrying out various activities.
- Q. Did the natives plead guilty to the charge of assaulting Shimaji.  
A. Bernard admitted the guilty of the assault on Shimaji and the others ~~admitted it~~.
- Q. Am I to take it from that answer that the natives pleaded not guilty to the assault on Shimaji.  
A. Yes, with regard to Shimaji's incident the natives said 'not guilty'.
- Q. What witnesses were called against the natives in respect of this assault against Shimaji.  
A. Shimaji was called.
- Q. Did Shimaji identify the natives as having taken place in the assault.  
A. He stated that at the time of the assault ~~that he saw only one.~~
- Q. And did he identify that one man as Bernard.  
A. Yes he did identify ~~that~~ Bernard.
- Q. Was any other evidence called on this charge <sup>against the 17 natives</sup> of assault.  
A. There were some natives among the 17 who knew about such an assault.
- Q. How many.  
A. The natives all knew about it because Yosef had told the natives that one man was shot.
- Q. Did you think that the natives were present when Bernard carried out this assault.  
A. I think that the other natives were not there.



Q. Was the court unanimous in its finding.

Q. During the proceedings of the trial did you submit any questions to Yamada which ~~he~~ desired to be asked of the accused.

A. Yes, he did questions.

4. He asked the accused direct. He sometimes used the interpreter and sometimes questioned direct.

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9. And the time that the trial ended.

RE EXAMINED BY DEFENDING OFFICER

4. In the charge concerning Shimaji, did Bernard's evidence incriminate the other 17 natives.

Q. Who had the final rights of the decision as regard the guilty and sentence.

V8

\*\*\*\*\*

QUESTION BY COURT.

A. Because it was an act committed by Bernard and the rest of his party who were inter-connected with him.

A. It was anticipated by the natives.

A. In view of the fact that there were many incidents committed by other small groups that I was of this opinion.

NO FURTHER QUESTIONS.

The evidence is read over to witness who does not desire to correct same.

I swear that I have told the truth without adding anything.

大橋 茂



DEFENDING OFFICER.

I would like ~~him~~ to ask the court, in regard to the accused who were not present in the summary trial and who merely took part in the orders for execution - Inoue, Naruse, Ozawa, and Kawamoto, - whether at this stage the court desires to hear any further evidence in relation to those four accused.

JUDGE ADVOCATE.

Mr. Prosecutor. Can you carry the case any further against Inoue, Naruse, Kawamoto or Ozawa, or any of them.

PROSECUTING OFFICER.

If the court pleases, I cannot carry the case any further against the accused who were not at the trial.

JUDGE ADVOCATE

I would advise the court that in my opinion there is insufficient evidence for the court properly to convict any of these four men. The court does not desire to hear the defence further in respect of Inoue, Naruse, Kawamoto or Ozawa.

V. S.

The accused L/Cpl Tanaka being duly sworn is examined by Defending officer through interpreter Hattori.

Guided by my conscience I swear to tell the truth without withholding any evidence whatsoever and also, I will not add anything besides the truth.

田中一雄

Q. What is your name rank and unit

A. I am Tanaka Kazuo L/Cpl of the Vunarima MP detachment.

Q. Are you a regular MP

A. No I am not

Q. What was your job in the Vunarima detachment.

A. I was assisting the MP there.

Q. In what way were you assisting.

A. I was under orders from the MP of that detachment and was undertaking ~~investigation~~ during investigation.

Q. ~~Do you remember any incident concerning a half~~  
caste Bernard and 17 natives which took place in the morning of 14th Sept 44.

A. Yes I remember on that day from 1030 in the morning an emergency summary trial was held.

Q. Were you present at that trial.

A. Yes, I was present at the trial as an interpreter.

Q. Did you have any other function than that of an interpreter.

A. No, I did not.

Q. Who presided at that trial.

A. It was a Lt. Yamada.

Q. Did you take part in deliberating the verdict and sentence.

A. No, I did not.

Q. Who pronounced verdict and sentence.

A. ~~The finding~~ and sentence was pronounced by Lt. Yamada.

Q. Did you interpret verdict and sentence to all the accused in that court.

A. The finding and sentence was interpreted to the accused by Sgt Maj Komoda who also spoke pidgin.

Q. Can you tell us why Komoda interpreted on that occasion instead of you.

A. At that time Sgt Maj Komoda pronounced the verdict and sentence because he was quite capable of speaking pidgin and I was there to assist him in pidgin English.

Q. Can you speak pidgin English.

A. Yes, I do understand pidgin.

Q. What language did Komoda use in interpreting finding and sentence.

A. He spoke pidgin.

Q. According to your knowledge of the language did Komoda interpret it correctly.

A. Yes he interpreted correctly.

Q. Did you take part in the execution.

A. Yes, I did take part in the execution on orders from Lt. Yamada and commanded by Sgt Maj Komoda.

CROSS EXAMINED BY PROSECUTING OFFICER

Q. If Komoda spoke pidgin, why was it necessary for you to be present at the trial at all.

A. The reason why I attended was because when the language became difficult for Sgt Maj Komoda I was there to assist him.

- Q. When Komoda interpreted the sentence and finding of the court did he announce the finding and the sentence of death at the one time?
- A. Yes, it was done separately to Bernard and his 17 men. The finding was announced first and then later the sentence.
- Q. What happened between the announcement of finding and the announcement of sentence?
- A. After the finding was announced it was not very much later that the sentence was announced. After the finding was decided Lt. Yamada telephoned the Mr HQ to the Provost Martial, and then the telephone message was received from the HQ that they should be executed.
- Q. How long did that telephone message take to get through?
- A. Lt. Yamada telephoned so I would not know.
- Q. Was Lt. Yamada absent from the court while he was telephoning?
- A. Yes, he was out of the court.
- Q. Were you present in the court while Yamada was absent?
- A. Yes, I was there.
- Q. For how long was Yamada absent?
- A. If I remember correctly it was probably about 10 minutes.
- Q. Were the accused asked if they had anything to say in mitigation of punishment?
- A. Yes,
- Q. Was this before or after the telephone conversation?
- A. After the finding of guilty was pronounced they were given the chance to say a few words.
- Q. Was this before or after the telephone conversation?
- A. It was before the telephone conversation.
- Q. Did you interpret what the accused said in mitigation?
- A. Yes, it was Sgt Maj Komoda who interpreted it.
- Q. How long would you say that the whole statements from the whole eighteen took?
- A. I think it was about a minute.
- Q. A minute for each man or a minute for all of them?
- A. If I remember correctly it was Bernard who spoke on behalf of all of them.
- Q. Are you saying that Bernard spoke in mitigation of punishment of all the other accused?
- A. He did speak on behalf of the accused.
- Q. Were the remaining accused given an opportunity of saying what they wanted to say?
- A. They were given the opportunity but they did not say anything.
- Q. Did you hear Ohashi state that Bernard was the accuser of the natives in respect of the assault on Shimaji?
- A. ~~I did not hear Ohashi state that Bernard was the accuser of the natives in respect of the assault on Shimaji.~~  
I did not.
- Q. At the court in Sept 44 did you hear Bernard accuse the natives of assault in regard to Shimaji's incident?
- A. Yes I think Bernard did accuse the 17 natives.
- Q. How much of Ohashi's evidence this morning did you hear?
- A. Almost all.
- Q. Do you agree with Ohashi's statements concerning times taken by the various witnesses at this trial in Sept 44.  
(Defending officer does not object to this question)
- A. I think they are probably correct, but I do not remember exactly



Q. At what time did that trial end.  
A. I think it ended around 1130.

NO QUESTIONS BY COURT.

~~Exhibit~~

Evidence is read over to witness who does not desire to correct same.

I swear that I have told the truth without adding anything.

田中一雄

Guided by my conscience I swear to tell the truth without withholding any evidence whatsoever and also, I will not add anything besides the truth.

菊池 寛

2. I am Kikuchi Satoru Col, of the 6th Field Japanese Air unit  
I was CO of that unit.

A. Yes.

A. Yes.

A. It was interpreted to me.

A. It is to my satisfaction.

~~WALKER~~ wish to add to that statement :

CROSS EXAMINED BY PROSECUTING OFFICER

2A. Lt. Yamada and Maj Matsuda were despatched to Wuneriwa to guide and assist in the investigation of these incidents.

Q. From what source did you gather that information.  
A. There was a telephone call from Lt. Yamada to Major Matsuda and Maj Matsuda told me.

Q 2 X What are the various steps that are involved in the selection of a new product?  
A 2 X These steps are as follows:

~~xxxxxx~~ ~~inquiries~~ ~~did you make on this occasion~~  
Bigness warned that he need not answer any questions tending to  
~~incriminate him.~~

At 1210 hrs court adjourn to 1330 hrs.  
At 1335 hrs court reassembles pursuant to adjournment.

Warning is explained at length to witness through interpreter and witness states that he understands it.

4. Was it your duty to ascertain that a fair and proper trial had been held before authorizing an execution.

A. Yes.

Q. Have you at all times faithfully carried out that duty.

A. Yes, I have.

Q. What steps did you take in regard to the execution of Bernard and the 17 natives to ascertain whether or not a fair and proper trial had been carried out.

A. After the report had been received I saw to it that Major Matsuda and Lt. Yamada had been despatched to the Vunarima detachment to give assistance and guidance in the investigation. Early in Sept Lt. Yamada came back and reported about this case to me and therefore I became acquainted with the incident. In the final phase on Sept 14th the OC of the detachment came to me personally to report on the affair and I feel firmly confident that Lt. Yamada who was despatched by myself and one of my trusted subordinates carried out a fair and just trial.

Q. When did you first consider that a trial would be necessary in this case.

A. I did not order Lt. Yamada to carry out a trial. He considered the trial necessary on his own initiative.

Q. You have told us that you first heard of the trial having taken place from Major Matsuda who had received a telephone message from Lt. Yamada. What consideration did you give to the question of sentence before authorising Lt. Yamada to sentence the accused to death.

A. First of all the consideration I gave was why was such an urgent trial necessary and whether it was a proper and fair trial. These are the two points that I gave consideration to.

Q. Did you give any consideration to the gravity of the offence.

A. Yes. I further state that in view of the fact that ~~there was~~ an attack on the detachment would be taking place in the afternoon it would be necessary to give consideration immediately.

Q. After coming to that conclusion did you yourself ring up Lt. Yamada.

A. Before telephoning I called in Major Matsuda who received the telephone call and WO Takahashi and asked them their opinion of the matter.

Q. How long did that conference last.

A. It was a just a short time.

Q. After the conference what action did you take.

A. First of all I gave instructions to Major Matsuda to telephone Lt. Yamada and then gave him the written order. Firstly in this written order "authorisation of the verdict is confirmed and the execution is to be carried out immediately." Secondly "If the conspirators come to try to rescue Bernard and his party that they should be exterminated." Thirdly "That 8 men to assist would be despatched."

Q. How long elapsed between the time you received the message from Major Matsuda to the time that you told Major Matsuda to ring up.

A. About 10 minutes.

Q. Do you recall giving evidence before a military court on 18th Dec 45.

A. Yes, I do remember.

Q. Was that in relation to the trial of Innagaki.

A. That is correct.

Q. Do you remember saying these words "There was no trial for this...."

Document shown to Witness by Prosecuting officer.  
That is my signature on the document.

"There was no trial for the Chinaman Innagaki notified me message to Innagaki that the Chinaman be permitted to be killed. It was in effect an order that he would impose the death penalty. I gave that order when I was aware that there had not been a court held."

A. I do remember.



- Q. Was that statement made by you on 18th Dec 45 ~~xxx~~ true and correct. ✓  
A. That is correct.

Evidence is read over to witness who does not desire to correct same.

I swear that I have told the truth without adding anything.

菊地 覺

Major Matsuda being duly sworn is examined by Defending Officer through interpreter Hattori.

Guided by my conscience I swear to tell truth without withholding any evidence whatsoever, and also I will not add anything besides the truth.

松田才二.

Defending officer shows document

Q. What is your full name rank and unit.

A. I am Matsuda Saigi Major of the 6th Field MP.

Q. What was you posting at the time of this incident.

A. I was intelligence officer.

Q. Where were you stationed.

A. I was at the MP H Q.

Defending officer shows document to witness.

Q. Is that your signature.

A. Yes.

Q. Are you satisfied that this document contains a correct translation of what you said.

A. Yes.

Q. Was it read over to you before you signed it.

A. Yes.

Defending officer tends <sup>read</sup> document which is admitted in evidence, marked Exhibit 'C' and annexed to the proceedings.

CROSS EXAMINED BY PROSECUTING OFFICER

Q. When you took this telephone message to Col Kakigi were you called into conference on the matter.

A. Yes, I was, requested to report on the situation of Wunarina.

Q. How long did that conference last.

A. I do not remember exactly but it was not very long.

Q. Can you give us any ~~time~~ idear of the time that elapsed between the time that you received the telephone call from Lt. Yamada until the time that you phoned Lt. Yamada back.

A. I am not too sure but I think it might have been about 20 minutes.

NO FURTHER QUESTIONS

Evidence is read over to witness who does not desire to correct same.

I swear that I have told the truth without adding anything.

松田才二.

8

Sheet No 38.

CLOSE OF CASE FOR DEFENSE.

The Prosecuting and Defending Officers make an address which is not recorded.

✿



SUBMITTING UP BY MAJ. I.A.H. SPAIN JUDGE ADVOCATE.

The accused Sgt Maj OHASHI Shigeru, Sgt Maj KOMODA Yoshifumi, Sgt INOUE Toshohiko, L/Cpl NARUSE Masami, L/Cpl TANAKA Kazuo, L/Cpl KAWAMOTO Yasujiro and Sup. Pte OZAWA Motomitsu are charged with the murder of a half caste BERNARD and seventeen natives at VUNARIMA on 14 Sept 44.

The charge is one covered by the War Crimes Act 1945 and the jurisdiction of the Court has been established by the unchallenged evidence of the residence of the natives and the events occurring in an Australian Territory.

You should accept my advice upon questions of law, but you alone are the judges of fact.

Murder is a criminal charge and the accused are presumed by law to be innocent until they are proved guilty.

The onus of proving the guilt of the accused rests always on the prosecution.

Unless you are satisfied beyond a reasonable doubt as to the guilt of the accused, you must acquit him.

A reasonable doubt is one which would influence your decision in matters of grave importance.

The offence of murder is committed when 'A person of sound memory and discretion unlawfully kills any reasonable creature in being and under the King's Peace with malice aforethought either express or implied'.

Everyone of these elements must be proved beyond a reasonable doubt.

I will explain such elements briefly;

'A person of sound memory and discretion';- murder cannot be committed by an idiot, lunatic or infant, unless indeed he show a consciousness of wrong doing and a discretion or discernment between right and wrong.

When the killing is by several persons in circumstances where it cannot be known by whose hand the life was actually extinguished it is murder on the part of each of the persons engaged in carrying out the common act of all.

'A reasonable creature in being and under the King's Peace';- the person killed must actually have been born into the world in a living state. As to the King's Peace, there is no contest here, the deceased were Australian Nationals in New Britain at the time.

The manner of killing must be unlawful and not excusable or justifiable.

'Malice aforethought';- Malice is either 'express' or 'implied'. Express malice is where "one with a sedate and deliberate mind and formed design doth kill another, which formed design is evidenced by external circumstances discovering that inward intention". In many cases where no malice is expressed or openly indicated the law will imply it from a deliberate cruel act committed by one person against another. It may be implied where death occurs as the result of the voluntary act of the accused which was (A) intentional and (B) unprovoked.

Any unlawful and felonious killing of another without any malice either express or implied is manslaughter.

To establish murder the prosecution must prove

- death as the result of the voluntary act of each of the accused.
- malice on the part of each accused
- that the deceased died of the wounds or other injuries given them by the accused or any of them in the execution of a common design within a year and a day after they were received.

To establish manslaughter the prosecution must prove each of those factors other than malice.

It is open to each of the accused to show by way of defence that the murder was not committed by him or that the offence actually committed does not amount to murder.

Here the killing is admitted and the defence is justifiable homicide.

If homicide is justifiable is is neither murder nor manslaughter.

One example of justifiable homicide is that of the proper officer executing a criminal in conformity with his sentence.

The justification of KOMODA, OHASHI, and TANAKA does not fall within this example as the first two were members of the court and the latter interpreter during the proceedings against the deceased.

The justification relied upon by the remainder of the accused is within the example.

Certain of the facts are undisputed.

All the deceased who were British subjects were civilian inhabitants of New Britain then in the occupation of an enemy, Japan.

All the accused were members of the Japanese armed forces.  
By the Laws and Usages of War inhabitants of occupied territories have not only certain rights but owe certain duties to the occupant, who may punish any violation of those duties.  
Certain acts if committed by such inhabitants are punishable by the enemy as war crimes.

Amongst such acts are:-

- (a) illegitimate hostilities in arms committed by individuals who are not members of the armed forces.
- (b) espionage and war treason.

The deceased would, being civilian inhabitants of an occupied territory, be guilty of the war crime known as War Rebellion if they rose in arms against the occupant.

War Treason includes such acts by private individuals as damage to war material or conspiracy against the armed forces or against members of them.

The accused allege that all the deceased were guilty of a conspiracy against the armed forces of Japan in pursuance of which individual conspirators in pursuance of the common design concealed weapons, stole grenades and rations, blew up a petrol dump and attacked, on one occasion, a Japanese soldier, and on another, a Japanese civilian. These allegations have not been rebutted. The evidence affirming them raises a reasonable hypothesis that they are true. Such hypothesis must be resolved in favour of the accused.

Their actions rendered the deceased liable to punishment as war criminals.

Charges of war crimes may be dealt with by military courts or such courts as the belligerent concerned may direct.

In every case there must be a trial before punishment and the utmost care must be taken to confine the punishment to the actual offender.

All war crimes are liable to be punished by death.

So far as I have been able to ascertain from the limited authorities available to me there is no provision in International Law regulating the composition of such courts or the procedure to be followed at the trials.

The type of trial to which the deceased were entitled was therefore, subject to certain fundamental principles of justice, that directed by Japan.

General ISHAMURA, C-in-C Eighth Army Group who commanded RABAU area at the relevant time said that he declared VUNARIMA an emergency area in April 1944, that where inhabitants of an occupied territory are charged with war treason or war rebellion they are under normal conditions sent for trial by Court Martial, but "under pressing circumstances unit commanders would have the authority which had been provided by the Emperor to carry it out on their own for the protection of the Army".

Later he refers to summary trials in the field, and to the wide discretion accorded to unit commanders not only as to the convening and constitution of the courts but also as to penalty.

He further says that confirmation of sentence would normally be required and that confirmation by the Provost Marshall should, in the circumstances surrounding the accused, have been sufficient.

General Isamamura should be accepted by the Court as competent to say that Japan had directed a summary trial in the field for war criminals under certain operational conditions, and that those conditions obtained at VUNARIMA in Sept 44.

The Provost Marshall, Col KIKUCHI says he confirmed the finding and authorised the execution and that he believed the trial to be a fair and just one.

The Court has already agreed with my opinion that there is insufficient evidence against INOUE, NARUSE, KAWAMOTO or OZAWA to justify a conviction, so I will not deal further with the case in relation to any of them.

KOMODA, OHASHI and TANAKA were present at the proceedings which they claim were a trial of the deceased; later they all took part in the execution. Their defence is justifiable homicide. Once a prima facie case has been made out the onus of establishing justification lies on the defence.

The degree of proof required of the defence is less than that the prosecution must adduce to establish the guilt of the accused.

The defence must raise a reasonable hypothesis that the facts which it claims amount to justification do exist.

If such hypothesis is not rebutted by the prosecution, the court should assume the existence of such facts and decide whether they actually amount to justification.



If the Court decides affirmatively, then the accused are entitled to acquittal; if the court decides in the negative, then it may convict of murder or manslaughter according to whether the one offence or the other is established beyond a reasonable doubt.

It was not suggested by the defence that there was no case to answer. Therefore you should next consider the question of justification.

Here the defence of justification amounts to this, that the deceased had a fair and reasonable trial, that such trial was of the kind directed by Japan and that the accused were authorised to take part in such trial and execution.

I expressed the opinion that it is for the belligerent to decide the form of trial subject to certain fundamental principles of justice.

I consider these principles to be

(a) consideration by a tribunal comprised of one or more men who will endeavour to judge the accused fairly upon the evidence using their own common knowledge of ordinary affairs and if they are soldiers their military knowledge, honestly endeavouring to discard any pre-conceived belief in the guilt of the accused or any prejudice against him.

(b) The accused should know the exact nature of the charge preferred against him.

(c) The accused should know what is alleged against him by way of evidence.

(d) He should have full opportunity to give his own version of the case and produce evidence to support it.

(e) The court should satisfy itself that the accused is guilty before awarding punishment. It would be sufficient if the court believed it to be more likely than not that the accused was guilty.

(f) The punishment should not be one which outrages the sentiments of humanity.

Unless provision is made for observance of all of these principles I do not consider any other form of proceedings which a belligerent might direct would in law really amount to a trial.

I advise therefore that the court should decide the following questions.

- A. Do the proceedings directed by Japan which may be described as a Summary Trial in the Field really amount to a trial.
- B. Were the proceedings against the deceased conducted in accordance with the directions given by Japan.
- C. Were the proceedings conducted in accordance with the above six principles
- D. What part did each of the accused actually take in such proceedings.

If you decide questions A and B affirmatively the accused would in my opinion be entitled to an acquittal.

If you decide A and B in the negative and C in the affirmative you should then consider the whole of the evidence and particularly that which is relevant to D.

If you are then satisfied that the acts of the accused amounted to an unlawful and felonious killing then you may find the accused guilty of manslaughter.

I feel that your deciding C in the affirmative would negative the existence of malice.

If you decide A, B and C, or A and C in the negative then the acts of the accused may amount either to murder or manslaughter.

You should consider the whole of the evidence and in particular that relevant to question D.

You should in addition bear in mind that the accused were soldiers consider what orders were given them, and their duty to obey, also the limited protection afforded subordinates by superior orders as explained in Manual of Military Law, Australian Edition Page 288 Para 443 as amended which I will now read out to you.

Furthermore you should give close attention to the question of good faith in the accused as regards holding the proceedings at all as had a direct bearing on deciding what was their attitude during the proceedings, keeping in mind of course their relationship towards Lt. YAMADA.

I should remind you that the statements of the native witnesses were admitted under section 9 of the War Crimes Act and in considering them the Court should give them such weight as it thinks proper.

All questions of fact, the weighing of evidence and the credibility of witnesses are entirely for you, not me, to decide.

As to any authorities quoted by Counsel or myself or referred to by you, you will observe the following rules.

1. The War Crimes Act, the Hague Conventions and the judgments of superior British and Australian courts are binding on you.



2. Text books by learned jurist such as Oppenheim, and the Manual of Military Law in its explanatory passages are strongly persuasive and should be followed by this Court unless it is well satisfied to the contrary.
3. You will use in your deliberations your common knowledge and your military knowledge but no other peculiar or expert knowledge any of you may possess, otherwise you will arrive at your decision strictly according to the evidence.

Finally, before you may convict any of the accused of either murder or manslaughter you must be satisfied that every essential element of that offence has been proved against him beyond a reasonable doubt.

I also add the following direction: you will consider whether at such proceedings the deceased did in fact plead guilty and the effect such a plea would have on the minds of the tribunal in arriving at a verdict and sentence.

THE COURT IS CLOSED FOR CONSIDERATION OF FINDING at 1025 hrs.  
At 1135 hrs Court reopens.

The President announces the Court has found the accused:

Sgt INOUE Toshiniko	}	NOT GUILTY of the charge, and
L/Cpl NARUSE Masami		
L/Cpl TANAKA Aszuo		
L/Cpl KAWAMOTO Yasujiroa		
Sup Pte OZAWA Motomitsu		

Sgt Maj OHASHI Shigeru	}	GUILTY of the charge.
Sgt Maj KOMODA Yoshifumi		

The Defending officer does not desire to call any evidence as to character of the accused, but makes a brief address in mitigation of sentence which is not recorded.

The Court closes at 1145 hrs to consider sentence.  
The Court re-opens at 1155 hrs.

The President announces that the court has sentenced the accused Sgt Maj OHASHI Shigeru and Sgt Maj KOMODA Yoshifumi, to imprisonment for life.

The President informs the accused that the finding and sentence of the Court are subject to confirmation by higher authority.

Signed at RABAUl this 23rd day of March 1946.

*Landrain*  
Maj. Judge Advocate.

*Phoy*  
Lt-Col President.

98

*Exhibit A*  
*Handwritten*  
*31*

WOKIS having been called on this 27th day of December, 1944 and du sworn states as follows:-

About August, 1944 I was at VUN-REMA. At this time the Japanese TAGASHI was in charge of the Military Police and KOMONDA was the 2nd in charge.

About this time I saw KOMONDA and a native of KAVIENG named MASEP questioning a Half Caste named BARNARD with some other native MASEP was acting as an interpreter. I think it was the morning after this that we all lined to receive our orders for work, when MASEP to me and four other natives named :-

LAKAUS - a KAVIENG now in Native Compound Rabaul.

SANDI - of KAVIENG, New Hanover, New Ireland - now returned to his place.

LANDO - of KAVIENG who is now deceased.

HEBAU - of KAVIENG now at Native Labour Compound, Rabaul.

to wait first time. He then detailed all the other natives for work and then told us to go and dig a hole and he showed us where to dig it. We dug this hole which was about 6 feet square and about 5 feet deep. We then returned to our quarters as it was lunch time. After lunch KOMONDA told me and the four above-mentioned natives, also MASEP and JOHN a BUKA Native to look after 17 natives and one Half Caste who were sitting close by, eating Rice and Smoking Cigarettes which KOMONDA had given them. KOMONDA then told us to tie their hands behind their backs. We tied all their hands as instructed, then KOMONDA (carrying a sword), HONASI (carrying a sword) INOKI (carrying a sword) all who were of the Military Police, also two other Japanese who were an anchor in front of their caps, each carrying a sword, also several low ranking members of the Military Police including TANAKA SONGSI, HARUKE KAWAMOTO and HOSKWA each carrying rifles proceeded to where we had dug the hole. KOMONDA instructed us to bring the 17 natives and 1 Half Caste in question. We did so. They went in the direction of where we had dug the hole, but just before we got there KOMONDA stopped us. He spoke to TANAKA in Japanese who in turn translated it in Pidgin English to us. Addressing the 17 natives and 1 Half Caste he said "Now to-day we are going to cut all you fellows" KOMONDA then said, "blindfold them all" MASEP, JOHN, LAKAUS, SANDI, LANDO, HEBAU and myself blindfolded them with some cloth which we had brought with us. KOMONDA then said to MASEP "Bring one of them along". The following Military Police then went to the hole - KOMONDA, HONASI, INOKI, HOSKWA and 2 other Japanese went to the hole which was about 25 yards from where we were standing. MASEP took one of the blindfolded natives (name unknown) to the hole and JOHN, LAKAUS, LANDO and myself followed them to the hole. When the natives reached the edge of the hole HONASI drew his sword and told MASEP to make the native kneel down. He then cut his head off. HONASI beheaded three, KAWAMOTO beheaded the Half Caste, INOKI two, HOSKWA one, KOMONDA two, One Naval man beheaded three and the other Naval man one. MASEP beheaded one, JOHN one, TANAKA one, HARUKE one. The bodies were all buried in the one hole. KOMONDA told me to behead one but I was too frightened.

Signature X

Statement taken by me W. H. H. H. Major.  
(R. H. H. H. Rabaul Police Station)



Exhibit 'B'  
J. H. H. H.  
J. H. H. H.  
J. H. H. H.

HESAU of Lamui Village, Kavieng having been called on this 28th day of December, 1945 and duly sworn states as follows;

When the Japanese invaded Rabaul I went to V. HAHIMA and later I was made work for the Japanese Military Police as a gardener.

I remember the time when there were 17 natives and 1 Half Caste all sitting on their haunches and bowing to the Japanese.

Each morning we were lined in front of the Japanese Military Police and detailed to our duties, and on this particular morning a Japanese Military Policeman named KOMUNDA told four other boys LAMDO, LAKOUS, HOKIS, SAKI and myself to get our belongings as we were going to MANDRESS. We returned with our things and were then ordered to go and get a shovel each. KOMUNDA went into the bush and picked out a place for the hole and then sent another Military Policeman back to show us the place. The name of this Military Policeman was OKAMURA. KOMUNDA then told us to dig a hole and when it was finished we were to report back to him. We did this and KOMUNDA then told us to watch the 17 natives and Half Caste and he appointed two Japanese Native Police Boys namely JOHN and MASEP to watch and see that the prisoners did not run away.

After we had lunch KOMUNDA told MASEP to get some material which he did and then we were all told to tear it up into lengths about 2 feet long and 4 inches wide. We were then told to blindfold the natives and the Half Caste and some other Military Police named TANAKA, MARUSE, HOFASI, HOSUWA, SUGIHI, KANAKOTO and some other Japanese whose names I do not know supervised our work. After the prisoners were blindfolded we each took one by the arm and led him to the hole. The name of the prisoner that I led was ISKAR a native of New Britain. I know only three names of the other native prisoners, they are YOSEF, LUMERS, STUAT and I think the name of the Half Caste was BERNARD. KOMUNDA was standing on the edge of the hole and ordered that the prisoners be brought before him one by one and as each one came up to him they were made kneel down and then KOMUNDA beheaded them. As their heads fell into the hole HOFASI and KANAKOTO fired shots into them. LAMDO brought up the first prisoner and KOMUNDA beheaded him. All the Japanese TANAKA, MARUSE, HOFASI, HOSUWA, SUGIHI, KANAKOTO, and one Japanese Naval Man took turns in beheading the natives. I do not know who beheaded the Half Caste.

After the executions had been completed KOMUNDA ordered us to fill in the hole and having done this we went to a house owned by HOAS who was the Boss Boy. KOMUNDA then told us that all the natives and the Half Caste that had been beheaded were friends and spies for America and Australia.

The Japanese Native Police Boys JOHN and MASEP beheaded one native each.

Signature: John

Statement taken by me John Woll.  
Rabaul Police Station  
28th December, 1945

*Exhibit C*  
*James P. ...*  
*...*

FREDERICK WILLIAM KAPPU, having been called on the 3rd day of January 1946 and duly ~~affirmed~~ states :

My name is FREDERICK WILLIAM KAPPU. I am a native of AMBOINA now residing at RABAU. I have been a resident of the Territory of New Guinea since 1911.

In January 1943 I was sent by the Japanese to live at KERAVAT. I was there employed in the gardens as a labourer.

On Friday 31st August 1944 at about 3p.m. Sgt. (now Sgt. Major) KOMODA, a second in charge of the military police at VUNARIMA, came to my house and said, "Are you KAPPU?" I replied "Yes". He immediately tied my hands behind my back with fishing line and said, "You are in trouble". He then searched my house and took some private letters which I had received prior to the outbreak of the war. The letters were purely personal. He placed the papers in his pocket and punched me in the chest. He then took me to the naval supply depot and I was made to sleep with four natives and BOB KRAUS, a half caste. Next morning I was taken by native police to Police H.Q. at VUNARIMA. KOMODA travelled by motor cycle.

I waited at VUNARIMA until the following Tuesday. On that day KOMODA took me to a house nearby, where he questioned me concerning a report which had been submitted against me by the native ANOS. It was alleged in the report that I was a spy for the British. I denied being a spy and I could not give any reason why ANOS should make the allegation. KOMODA then set upon me with a cane. I was made to squat down on a box with a piece of timber behind my knees. Two natives were seen sawing on the piece of timber. At the same time KOMODA was beating me about the head and body with a cane. This lasted until I fell to the ground unconscious.

When I regained consciousness some natives were pouring water on my head. I was then taken into another house and allowed to lie down. I remained there until Thursday morning. I was given a little tapioca to eat but no water. When I asked for water I was given water which had previously been used for washing clothes.

KOMODA then came to the house and said "KAPPU, you are an old man. I am sorry that I flogged you. I have since found out that ANOS was lying." He then permitted me to return to KERAVAT.

The next day KOMODA came to KERAVAT and told me that as they had discovered ANOS to be a liar, they were going to behead him, together with the half-caste BERNARDINE. He invited me to come and witness the execution. I refused the invitation.

I later heard from some natives that BERNARDINE, ANOS, TOBI, MAPA, KARUN, KUIMBU, UNGARMERI, JAKINO, SUNGAIU, GOLUJONG, DUABIN, and SAKI, were all beheaded at VUNARIMA on 18th. September 1944, by KOMODA and his police.

Signature. *[Signature]*

Statement taken by *[Signature]* Major.  
 (R.N. Hicks, Rabaul Police Station.)



Exhibit J  
Sundtman  
3.17.  
J. H. H. H.

LAKAUS having been called on the 4th day of January 1946, and duly affirmed states:

My name is LAKAUS. I am a native of LASSU, New Ireland, now residing at RABAU.

About June 1944 I was employed by the Japanese Military Police at VUNARIMA as a native policeman.

Later in the year I was sent to MASAP in the RAININGS. I remained there one week and then returned to VUNARIMA. Upon my return the half-caste BERNARDINE and a number of natives were held in custody at VUNARIMA. The following morning MASEP, the native police boss boy, detailed the following natives to dig a hole: SANDI, (now returned to New Ireland), LANDO, NOKIS, HESAV and myself. Masep came with us and indicated the spot where the hole was to be dug. By lunchtime the hole was completed, and we returned and reported this to MASEP. After lunch Sgt. Major KOMONDA came and called the half-caste and seventeen natives and gave them each a cigarette, at the same time saying, "Today is a big day for the Japanese. It is Christmas." He then left, shortly to return with TANAKA, ISOK, HARUSE, KAWAHATO, HOSE, and HONASI, all of the Japanese military police. There were some other Japanese there whose names I cannot remember, but whom I could identify. Some carried swords-I think four-and the others carried rifles. KOMONDA then called the above-named four natives and myself and told us to stand near the eighteen prisoners. We were then encircled by the Japanese, plus the natives JOHN and MASEP. KOMONDA instructed us to tie the hands of the prisoners behind their backs with fishing line and said "We are going to RABAU. We tied the hands and some Japanese then moved off in the direction of the hole, taking with them the eighteen prisoners. The Japanese remaining then came along behind. We five natives accompanied the prisoners. When about 20 yds. from the hole a halt was made and KOMONDA then spoke to TANAKA in Japanese.

TANAKA KANADA turned to the assembly and, speaking in Pidgin English, said "You eighteen men were spies for the Australians and Americans. You five boys", addressing us, "look at them all. We are now going to execute them. If you boys do not do as you are told we will treat you likewise".

The eighteen prisoners were then led separately to the hole. I took one, whose name I do not know, and when I arrived near the hole I blindfolded him. I became frightened and left him there and returned to where the remainder were waiting. I did not actually witness any execution, but I heard numerous rifle shots.

After the last prisoner had been led to the hole and apparently executed, we five who had previously been detailed to dig the hole were then instructed to fill it in. Upon arrival at the hole I saw a number of headless bodies lying in disorder in the hole. Several Japanese were still around the hole when we arrived and I noticed numerous pieces of Blood Stained paper which apparently had been used to wipe the blood from the swords. After we had filled the hole KOMONDA instructed us to get into the line, as we were to pay reverence to the dead. We natives and Japanese lined around the grave and were ordered by KOMONDA to "KEMI". We bowed our heads for a few seconds then left the hole and returned towards the camp. Upon arriving at the house of the Native BOAS a hault was made and natives in the immediate area were assembled. KOMONDA addressed the saying "Now we have executed seventeen natives and one Half Caste because they were spies for the Australians and Americans. If any of you boys see the Australians or Americans we will execute you too".

We then returned to our quarters.

Signature, Lakaus

Statement taken by me, W. H. H. H.  
Rabaul Police Station.



*Whitely E.  
Wingfield  
President*

*G. W. W. W.  
J.A.*

(1) **FUNDAMENTAL PRINCIPLES OF JAPANESE MILITARY TACTICS AND OPERATIONS**  
(enacted by the emperor on September 29, 1938)

**ARTICLE 5**

Your own discretion is exceedingly demanded in the field. To do anything by your own responsibility is in no way inconsistent with obedience in its spirit. Always by discerning clearly your superior's intention and judging properly the general situation, choose for yourself the best means to attain your objective and meet the demand of the situation, taking appropriate measures against the change of state of affairs.

(2) **ARMY CRIMINAL LAW (RIKUGUN KEIHO)** enacted by the emperor with the consent of the imperial diet on April 10, 1908

**ARTICLE 22**

Any act necessitated in order to suppress a riot caused by force of numbers, or to maintain strict military discipline in face of the urgent situation of any unit opposing the enemy, is not punished.

(3) **REGULATIONS FOR MILITARY DISCIPLINE** (enacted by the emperor on August 11, 1943)

**ARTICLE 5**

Obedience is extremely important in order to maintain strict military discipline. Therefore, you should obey your superior's orders with utmost sincerity, and absolutely observe them, thus forming your habit of obedience.

**ARTICLE 11**

You should observe respectfully your superior's order and perform them without delay. You are not permitted to argue whether the orders are right or not, or to question their causes, reasons, or what not. Should the new orders be inconsistent with the former ones, you should gently report this and your superior's instructions.

**ARTICLE 12**

Once your superior has decided anything, even if your opinion is opposite to that of your superior, you should try every possible means in order to achieve his intention, always disregarding your personal sentiment.

**ARTICLE 7**

Although harmonious connection between the parties concerned must of course not be neglected in managing military affairs, yet you are strictly prohibited to hesitate the performance of your duty or to shun your responsibility by relying upon others or asking your superior's instructions for any new occurrence.

(4) **"REGULATIONS ON THE DUTIES OF M.P. IN THE FIELDS"** (enacted by the emperor)

**ARTICLE 3**

The duties of M.P. in the fields are as follows:-

1. Arresting and exterminating of enemy spies, or performers of propaganda or strategem.
2. Arrest and extermination of natives of enemy character, and
3. Collection of information.

(5) "SERVICE REGULATIONS OF M.P." (Enacted by the Emperor)

ARTICLE 14

1. In case the M.P. should happen to be in danger of being attacked by others, and
2. In case there was no other measure to protect or defend the area occupied by M.P.  
The M.P. is authorized to resort to arms.

I, Interpreter S. UEMOTO of Labour HQ Rabaul, do hereby certify that the above is a true and faithful translation into English of the Japanese Military Acts.

S. Uemoto

7

[REDACTED]

*Exhibit F*  
*Page 104*  
*Handwritten May 1944*

Colonel KIKUCHI states:-

I am Col. KIKUCHI, Commander of the M.P. Corps attached to the 8th Group Army.

The following is an outline of the duties and authorities given to the Japanese M.P.:-

a) According to the "regulations on the duties of M.P. in the field".

1. Arresting and exterminating of enemy spies, or performers of propaganda or strategem.
2. Arrest and extermination of natives of enemy character, and
3. Collection of information.

The above-mentioned are recognized by the Japanese Army as military operation itself of the M.P.

b) According to the "service regulation of M.P."

1. In case the M.P. should happen to be in danger of being attacked by others, and
2. In case there was no other measure to protect or defend the area occupied by M.P.  
The M.P. is authorized to resort to arms.

c) According to the "regulations on garrison services" the M.P. is authorized to take every necessary measure for self-defence in order to answer the urgent situation.

Such acts of war treason war rebellion or espionage among the natives in the Japanese occupied areas with the intention of profiting the enemy are, on general occasions, to be concerted to the court-martial and be punished.

But, on the other hand, in case the situation and condition should become serious and tense and there was no other means whatever, every unit commander is entitled to punish the criminals after one kind of summary trial without holding a formal court (N.B. this trial is one kind of summary trial approved for military operation and is quite different from that provided in the "regulations on summary trial of the 8th Group Army" applicable only to petty offence, although both bear the same appellation ).



The above-mentioned disposition is, therefore, generally approved by the Japanese Army, and this opinion of mine will be testified by the G-in-C who is expected to appear in court as a witness.

I take that the disposition in question is no other than military operation in the field and a necessary measure for self-defence of the Army. Moreover, I am of opinion that this punishment without resorting to a formal trial, of war treason and war rebellion in the war time by no means infringe the Hague regulation.

I know the VUNARIMA incident of war treason and war rebellion.

Around Sept. 1944 the war situation became serious to the utmost, and as to the peace and order at VUNARIMA, the very forward area for the RABAU defence, there prevailed the greatest confusion in those days, when war treason and war rebellion occurred in rapid succession there, the VUNARIMA M.P. continued investigations directed on several occasions by Lt YAMADA, despatched by the M.P. HQ. From Lt YAMADA I received the following urgent report over the telephone about 11:30 A.M. on Sept. 14, regarding the most urgent and grave situation prevailing then at the VUNARIMA M.P. : we came, after the summary trial, to conclude the acts of war treason and war rebellion in the war-time, and the attempted assault of the natives of enemy character and the undertone of the natives for recapturing the criminals in custody; consequently, we decided to sentence these criminals to death; eagerly waiting for your decision.

According to this report the M.P. HQ., synthesizing various situations, concluded the necessity of urgent disposition, issuing to the VUNARIMA M.P. operation orders to this effect; "the highest commander of the M.P. admits the decision reached by the summary trial for the criminals; you must arrest and exterminate all the invading anti-Japanese elements; 8 M.P. shall be despatched post-haste from the HQ. in order to support you."

In those days RABAU had been placed under the orders of the second war preparations in order to repel the anticipated Allied

Landings and every troop was stationed in respective battle positions naturally enough under these circumstances, the VUNARIMA M.P. had been entrusted with the maintenance of peace and order in the same area. The M.P. was distant more than four kilometres from any adjacent troops. Moreover, any day-time movement was almost impossible in those days owing to furious air-raids.

菊池 三郎

I hereby certify that the above is a true and correct translation.

*S. Uemoto*

Major MATSUDA states:

I am Maj. Matsuda of 6th Field M.P. Corps.

WUNARIMA area and its whole vicinity were the front line of the main defensive positions of Rabaul. As the war situation grew more and more unfavourable for the Japanese forces, the peace and order in UNARIMA area deteriorated to the utmost. I know of many incidents of treason which occurred in about July or August in 1944. Especially, in connection with the treason of Bernard and his party, I went over to WUNARIMA once or twice to supervise the investigation of the case. Lt. YAMADA also went over there three or four times to supervise the investigation.

I remember the incident of 14th September. At that time, Lt. YAMADA had been despatched to WUNARIMA and I was in the M.P. HQ. on the Rabaul Tunnel Hill. At about half past six on the morning of 14th September, W.O. TAKAHASHI of WUNARIMA came over to the M.P. HQ and reported to the commander of the outline of Bernard incident and the result of the investigation made in Massaba. At about half past eleven just before the midday meal, I received an urgent telephone message from Lt. YAMADA, saying that as a result of the emergency summary trial carried out to meet with the urgent situation, Bernard and his party had been sentenced to death, and that final confirmation was requested and your reinforcements would be appreciated. I immediately conveyed his message to the commander of the M.P. Corps. The commander judged from the various informations and immediately issued a military operations order. I conveyed his order through the telephone to Lt. YAMADA. The outline of this order was to the following effect: The sentence passed by summary trial is confirmed, catch and annihilate the attacking enemy. 8 men will be immediately detailed from this HQ to your assistance. I wrote this military operations order and put it in the military operations order file.

At about two or three o'clock in the afternoon on that day I was advised by Lt. YAMADA of the execution of the sentence and I reported that to my commander.

Those who have committed treason, rebellion, espionage and other enemy-benefitting conducts should in ordinary cases be committed for trial by the courtmartial. However, it is generally recognized in the Japanese Army that in case the situation is imminent and there are no other ways to do, the commander of the corps might punish criminals by means of a sort of summary trial. This is rather a military operation itself and is considered as a means of self-defence in the field operations. In this sense, the disposition of WUNARIMA incident is considered as right and proper.

松田 才二

I hereby certify that the above is a true and correct translation.

R. Ishihara



Major MATSUDA states;

I am Maj. Matsuda of 6th Field M.P. Corps.

WUNARIMA area and its whole vicinity were the front line of the main defensive positions of Rabaul. As the war situation grew more and more unfavourable for the Japanese forces, the peace and order in WUNARIMA area deteriorated to the utmost. I know of many incidents of treason which occurred in about July or August in 1944. Especially, in connection with the treason of Bernard and his party, I went over to WUNARIMA once or twice to supervise the investigation of the case. Lt. YAMADA also went over there three or four times to supervise the investigation.

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松田 芳二

I hereby certify that the above is a true and correct translation.

R. Ishihara

# FORM FOR ASSEMBLY AND PROCEEDINGS OF A MILITARY COURT

19th day of March 1946

WHEREAS it appears to me, the undersigned, an Officer authorized to convene a Military Court under the War Crimes Act 1945 that the person named in the annexed Schedule has committed the war crimes in the said Schedule mentioned, I HEREBY CONVEY a Military Court to try the said person and to consist of the Officers hereunder named.

## PRESIDENT

Lt. Col J. ROYAL, HQ 8 MB

Is appointed PRESIDENT

## JURIES

Lt. Col A. G. CAMERON 29018  
Capt C. A. ANDERSON 29/46 BN  
Capt A. G. ROWLEY 37/32 BN

Are appointed JURIES

## JUDGE ADVOCATE

Major I. A. N. GRAIN 2200, HQ 8 MB

Is appointed JUDGE ADVOCATE

(Signed) Kenneth W. Lather  
Maj-Gen.  
COMD 11 AUST DIV.  
CONVENING OFFICER.

## SCHEDULE

Number, Rank, (s) Name and Unit of Accused	Offence charged	Plea	Finding, and if convicted Sentence (b)	How dealt with by Confirming Officer (c)
Capt SHIMOHARA Aitaro, Capt NEMOTO Toyosi both of 102 Inf. Regt. and Capt SHOJI Takeyasu of HQ 51 Div. Inf. Group	A violation of the laws and usages of war in that they in May 1945 when members of a Military Court convened to try two natives of KAMBANGURU viz. POPAKU and MARAK failed to ensure that such natives were afforded a fair and proper trial.	all plead Not Guilty	Capt SHIMOHARA Capt NEMOTO and Capt SHOJI all found guilty of the charge  Capt SHIMOHARA found guilty Capt NEMOTO found guilty and Capt SHOJI found to be imprisoned for five (5) years.	Findings and Sentences Not confirmed  These sentences are confirmed 4 June 46 WFL

I CERTIFY that the above is a true copy of the original Convening Order which was lost subsequent to the termination of the Trial.

RP:100.

Lt. Col.  
J. ROYAL President.

Maj-Gen.  
COMD 11 AUST DIV.  
CONVENING OFFICER (d)

CERTIFICATE OF PROMULGATION

Promulgated in the case of Capt SHINOHARA Bitaro this 29th day  
of June 1946.

(Sgd) .....  
Name, Rank and Unit of Officer  
effecting promulgation.

Promulgated in the case of Capt KATO Toyoji this 29th day  
of June 1946.

(Sgd) .....  
Name, Rank and Unit of Officer  
effecting promulgation

Promulgated in the case of Capt KATO Takeyasu this 29th day  
of June 1946.

(Sgd) ..... Lt-Col  
AAG Eighth Military District  
Name, Rank and Unit of Officer  
effecting promulgation



7

- 2 -

**NOTE** The records of the proceedings of the Court will be attached to this form.

- (a) If the accused is not a member of the Navy, Military, or Air Force of an enemy or ex-enemy Power the name, occupation, and residence of the accused will be inserted.
- (b) Recommendation to mercy, if any, to be inserted in this column, or on a separate sheet attached to the proceedings, with the reasons for the recommendation.
- (c) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.
- (d) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialled by him.

3.4  
I CERTIFY that the above Court assembled on the 30<sup>th</sup> March and day of April 1946 and duly tried the person named in the Schedule, and that the Plea, Finding, and sentence in the case of such person were as stated in the third and fourth columns of that Schedule and that the Regulations for the trial of War Criminals have been complied with.

**ALSO CERTIFY THAT -**

- 1. The Members of the Court
- 2. The Judge Advocate
- 2. The Witnesses
- 4. The Interpreter
- 5. The Shorthand writer

were duly sworn.

SIGNED this 1<sup>st</sup> day of April 1946.

*Rayner*  
PRESIDENT OF THE MILITARY COURT

- 6. I have dealt with the findings and sentence in the manner stated in the last column of the Schedule, and, subject to what I have stated, I HEREBY CONFIRM the above findings and sentence.

CONFIRMING OFFICER

PROMULGATED in the case of

(Date) (s) 1946.

Signed.

- (a) When several cases are promulgated on the same day the Officer effecting promulgation need only sign once.

Sheet No 1.

THE WAR CRIMES ACT 1945.

TRIAL OF

Capt SHINOHARA Mitaro	of 2 Bn, 102 Inf Regt.
Capt NEMOTO Toyochi	of 2 Bn, 102 Inf Regt.
Capt SHOJI Takeyasu	of Hq 51 Div Inf Group.

DATE OF COURT

30th March, 1946, at 1030 hrs.

PROSECUTING OFFICER

Capt J. D. STEED of AALC Hq 8 MD.

DEFENDING OFFICER

Capt L. A. CHISHOLM of AALC Hq 8 MD

THE ACCUSED ARE BROUGHT BEFORE THE COURT

THE MEMBERS OF THE COURT AND JUDGE ADVOCATE ARE DULY SWORN

Civilian Interpreter Jiro Mishimura employed by the Japanese Army is sworn as interpreter.

THE CHARGE IS READ TO THE ACCUSED.

All accused plead not guilty to the charge.

The prosecuting officer does not desire to make an opening address.

Prosecuting Officer tenders statement of interrogation of Sgt Maj ARAI Kenji which is read and admitted in evidence, marked Exhibit A, signed by the President and annexed to the proceedings.

The Prosecuting Officer informs the court that Sgt Maj ARAI is available if required by the court for questioning.

Prosecuting Officer tenders written interrogation of accused SHINOHARA which is read and admitted in evidence, marked Exhibit B, signed by the President and annexed to the proceedings.

Prosecuting Officer tenders interrogation of accused NEMOTO which is read, admitted in evidence, marked Exhibit C, signed by the President and annexed to the proceedings.

Prosecuting officer tenders statement of interrogation of accused SHOJI which is read and admitted in evidence, marked Exhibit D, signed by the President and annexed to the proceedings.

CLOSE OF CASE FOR THE PROSECUTION.

DEFENDING OFFICER.

I ask the court whether at this stage it desires to hear me as far as the case for the defence is concerned, or whether the Prosecution's case being closed, the court will use its inherent jurisdiction to find the accused not guilty.

I now propose to make submissions to the court without the accused being called on to enter into any defence.

I ask that the prosecution tender statement of Kawakubo under Section 91 (1).

President announces that in fairness to the accused it should be put in.

PROSECUTION REOPENS CASE

Prosecuting officer tenders statement of Kawakubo which is read, admitted in evidence, marked Exhibit F, signed by the President and annexed to the proceedings.

The Prosecuting Officer informs the court that Lt. Gen Kawakubo is available if required by the court.

At this stage defending officer submits that there is no case to answer.

PROSECUTING OFFICER

The points of my submission are:

1. Impartial tribunal.
2. accused being informed of the charge.
3. evidence being given against the accused.
4. accused entitled to speak in their own defence and call witnesses.
5. defending counsel.

The latter is postulated by Arai's p 290 note.

DEFENDING OFFICER.

The court by its inherent jurisdiction, having heard the case for the prosecution, has right to find accused not guilty.

Defending officer contended.

1. That it was an impartial tribunal and referred to statement by Lt. Gen Kawakubo who stated he had appointed an impartial tribunal.
2. That the trial of the natives was a lawful trial. Referred to statement of Arai. Quotes definition of war crimes and war crimes punishable by death (Arai para 450 and p 287 at seq.)
3. Written statements produced at trial of natives was in order and referred to provision of Sect. 9 (1) of War Crimes Act.
4. As to not knowing what charge to answer referred to statement "I read over Arai's investigation to each native etc."
5. As to contention by prosecution that no evidence given against natives at trial - quote from Arai's statement.
6. As to contention that natives not allowed to speak in own defence quoted from Arai's statement "The accused spoke in their own defence and admitted their guilt".
7. As to contention that not entitled to an advocate, defending officer contended that
  - a. there was no evidence that he was not allowed one.
  - b. that there is no obligation on the prosecution to employ a counsel for the defence.
8. As to contention that no interpreter. Submits evidence says did



have an interpreter at trial.

9. As to type of trial refers to Chinese type where accused brought in and interviewed by court separately and witnesses interviewed similarly and contended that prosecution could not contend that type of trial was not fair, when similar type of trial used by one of our allies.

10. Quite legal to obtain statement from person without knowing that statement obtained for. Referred to practice of Japanese not del. warned before statements obtained ~~XXXX~~ and then such statements or interrogation used against them on trial.  
(See War Crimes Act).

11. Evidence disclosed that court considered evidence before coming to finding.

12. Quotes LAL p 272 para 366 as to exigencies of war and also note and contends what done was done in accordance with law.

13. Quote p 273  
p 287 para 443  
p 289 para 449

14. Composition of Jap. court could not be queried by any member of it. Administrative action -.

15. Referred to very short interrogation of Capt Shoji and apparent mistake in it where says "three officers etc." and saw should be "we three officers" etc. -

16. As to interpreter going with court when deliberating referred to interpreter going with court when deliberating with Chinese on cases under War Crimes Act for offences against Chinese.

#### PROSECUTING OFFICER

All the evidence consists of admissions by the accused, and there is no reason to disbelieve the accused. The question is whether there is some evidence of a breach of international law as we are charging them under international law. Whether Lt. Gen Kawakubo or his 2 i/c thought it a fair trial has nothing to do with it. It is for this court to determine whether there is evidence of a fair trial being conducted.

International law provides that a trial must be held LAL p 289.

Submits fair trial involves following elements.

Gives 5 points noted previously.

I submit that on these 5 points there is evidence that the trial was not fair and I further that if the court finds that even on any one of them that the trial was not fair, there must be a case to answer.

At 1455 hrs court adjourn to enable Judge Advocate to consider question.  
At 1505 court reopens.

#### JUDGE ADVOCATE.

After considering the whole of the evidence I feel I must advise the court that there is a case to answer in law. More than that I do not propose to say unless called upon to state reasons.

At 1510 hrs court closes to consider submission of defence.  
At 1520 hrs court reopens.

THE PRESIDENT announces that the court does not uphold the submission of the defence and that the court considers there is a case to answer.

At 1525 hrs court adjourn until 0900 hrs on Monday 1st April 1946.

At 0900 hrs 1st April 46 court reassemble, present the Judge Advocate, President and same members.

Sgt Arai being duly sworn is cross examined by Defending Officer through Interpreter Jiro Watanabe.

Guided by my conscience I swear to tell the truth without withholding any evidence whatsoever and also, I will not say anything besides the truth.

新井 健次

Q. What is your full name unit and rank.

A. Sgt Arai Aengi of 18th Army Provost

Q. Were you present at the trial of 2 natives by the name of <sup>Popaku</sup> ~~Ackap~~ and Maran in about May 45.

A. Yes I was present.

Q. Did the trial open at about 0800 hrs.

A. Yes.

Q. Were the members of the court the three accused.

A. Yes.

Q. Were they 3 members of the court seated in the court ~~xxxxxxxxxx~~

A. Yes, they were seated.

Q. Were the 2 accused then brought into court.

A. Yes.

Q. Did Capt Shinohara announce the opening of the court.

A. Yes.

Q. Did Capt Shinohara read the charge sheet.

A. Yes.

Q. Did you interpret the charge to the natives.

A. Yes.

Q. Was the charge along the following lines. In April 45 the treason of the villagers of Kankanbura were led by Popaku No 1 Capt and Maran boss boy and 3 others. For this criminal act it is necessary to hold a trial.

A. Yes.

Q. Were the statements of ~~xxxxxx~~ yourself and Capt Shinohara then placed before the court.

A. Yes.

Q. Did Shinohara then instruct the witness to take Maran to the office.

A. Yes.

Q. Did ~~xxx~~ you take Maran to the office.

A. Yes.

Q. Is it customary in Japanese court procedure for the accused to be brought in one by one.

A. Yes.

Q. Did Capt Shinohara ask Popaku his name and whether he was No 1 Capt of the Kankanbura.

A. Yes.

Q. After that did Capt Wamoto ask some questions.

A. Yes.

Q. Were the questions along these lines. Did the natives fail to supply sac. Why they took anti Japanese action, what was the cause of the attack on the Japanese, was Popaku the leader of the move, Did Popaku order his men to fight to the end. Did Popaku fight to the last.

A. Yes.

Q. Did Popaku admit that all that had been asked him in questions had been correct.

A. Yes he admitted that.

Q. Was Popaku <sup>then</sup> asked, "Do you think the actions you took was bad."

A. Yes.

Q. Did Popaku answer 'I was wrong'

A. Yes.

- Q. Was Ropaku then asked whether he wanted to say anything in self defence.  
A. Yes.
- Q. Did he reply 'I have nothing to say'.  
A. Yes.
- Q. Was Ropaku then taken into the office.  
A. Yes.
- Q. Did the court then adjourn for about 20 minutes.  
A. Yes.
- Q. When the court resumed was Maran brought into court.  
A. Yes.
- Q. Did Capt Shinohara ask Maran his name and whether he was boss boy of Chichiburu.  
A. Yes.
- Q. After this did Capt Nemoto question the accused.  
A. Yes.
- Q. Did Capt Nemoto do most of the questioning.  
A. Yes.
- Q. Were the questions along the following lines. Why they did not supply sac sac. Why they took anti Japanese action. Did they fight against the Japanese, whether Maran incited Ropaku No 1 Capt to fight against the Japanese. Ropaku said that when they first talked about fighting with the Japanese No 2 and 3 Capt did not agree but were forced to fight. Was Maran asked did Ropaku say to continue fighting for the Americans will soon land.  
A. Yes.
- Q. Were those questions based on the report the you had put in.  
A. Yes.
- Q. Was Maran then asked whether he thought his actions were bad.  
A. Yes.
- Q. Did Maran reply that he was wrong.  
A. Yes.
- Q. Was Maran asked if he had anything to say for his self defence.  
A. Yes.
- Q. Did Maran reply that he had nothing further to say.  
A. Yes, he said yes.
- Q. Did Capt Shinohara ask you if the words the accused were saying is true.  
A. Yes.
- Q. Did the ~~Japanese~~ reply yes.  
A. Yes.
- Q. After that did the 3 accused go into the next room.  
A. Yes.
- Q. ~~Did you hear the accused say that they were guilty of war rebellion in article 25 of Japanese Criminal Law.~~  
Did you subsequently go into the next room where the accused were. (the accused present in court today.)  
A. Yes.
- Q. Did Capt Nemoto say that the accused were guilty of war rebellion in Article 25 of Japanese Criminal Law.  
A. No he did not tell me that.
- Q. Did you hear Capt Nemoto say that the accused were guilty of war Rebellion in article 25 of the Military Criminal law and should be punished to death.  
A. I did not hear that.
- Q. ~~Did you hear the court say that the sentence should be death.~~  
A. I did not hear that.
- Q. Was the court adjourned for about 20 minutes altogether while they



Yes.

Q. Yes.

4. Did the members of the court then return.

Q. Yes.

4. were the accused then brought into court.

A. Yes.

4. were the accused then sentenced to death.

Q. Yes.

5. Did ropaku's and waren's examination take about 1 1/2 hrs each.

A. Yes.

~~XX~~

XX

азх. Үөн; ханз. Гах; нх. ах; нх. нх. нх.

RE-EXAMINED BY PROSECUTING OFFICER.

4. Do you recognise any difference between a charge sheet and an convening order.

Defending officer objects on the ground 1. It is not a question that arises out of cross examination. 2. That it tends to attack the credibility of the prosecutors own witness.

\_\_\_\_\_

President. We do not consider that the question will assist the court at all but nevertheless the court allows the question.

A. A convening order and a charge sheet are entirely different.

4. Will you explain in more detail the offences of which the accused were found guilty.

Defending officer objects on the ground that this question does not arise out of the cross examination.  
Question is allowed.

XXXXXXXXXXXXXXXXXXXX

Prosecutor withdraws the question.

Defending officer withdraws objection.

4. What did Maran reply when Capt Nemoto asked him did Iopaku say 'continue fighting as the Americans will soon land.'

▲. Maran replied that ropaku did say that.

QUESTION BY COURT.

Q. In what language <sup>did</sup> you inter-~~rete~~ the charge sheet to the natives.  
A. I used pidgin.

A. I<sup>n</sup> used plugin.

who asked all the questions.

4. Capt Nemoto did most of the questioning.

who else asked questions.

A. Capt Shinohara and Capt Shoji asked questions also.

4. Were all the questions interpreted or did they ask the questions direct themselves.

A. I did all the interpretation, except I think that finally when they asked the accused if they had anything further to say. I think the president asked that question.

What language did he use.

A. Capt Shinohara asked him in pidgin.

4. Earlier in cross examination you stated that the charge was along certain lines. (Interpreter reminds witness of that statement) Will you repeat the same charge in plain to the court.

A. No 1 Capt belong Kumbumburu Name belong him Kopaku. Boss boy belong Kumbumburu. Name belong him Maran. You two fello you make him trouble along Japan soldier. Dis peali trouble now make court. JM Tasal.

Sheet No 7

NO FURTHER QUESTIONING.

The evidence is read over to the accused who does not desire to correct same

I swear that I have told the truth without adding anything.

新井健次

Lt. Gen Kawakubo being duly sworn is cross examined by Defending Officer through interpreter Jiro Nishimura.

Guided by my conscience I swear to tell the truth without withholding any evidence whatsoever and also, I will not add anything besides the truth.

Q. What is your full name and rank.

A. Lt. Gen Kawakubo Shizumo commander of the 51st Inf Division. 川久保鎮馬

Q. Were the 3 accused excellent soldiers and men of excellent character who you knew to be upright and impartial.

A. Yes.

REEXAMINATION BY PROSECUTING OFFICER.

NO QUESTIONS BY COURT

Evidence is read over to witness who does not desire to correct same.

I swear that I have told you the truth without adding anything.

川久保鎮馬

CLOSE OF CASE FOR PROSECUTION



JUDGE ADVOCATE.

There are several matters that the court would like you to address upon, without suggesting that you limit the generality of your address but there are 3 or 4 points the court would like dealt with.

1. Whether you claim the offence is created by a law or by a usage of warfare.
2. To refer the court to these articles or opinions which would cover the offence and as to the effect of, if it is a usage, the statement contained in M.L. page 194 para 2 and after dealing with those aspects of law would you deal please with what acts by the accused persons do you consider constitute their guilt, constitute their failure to hold a fair and proper trial.

PROSECUTING OFFICER

May it please the court the accused are charged under the War Crimes Act 45 with a violation of the laws and usages of war, a breach of the laws of war in the first instance. The particular law to which I refer is the Hague Conference 1899, rules set out at page 146. Our own reference is note 3 page 289 of M.L. I suggest the act complained of is a breach of the usages of war to the extent that that principle has been expounded by international jurists. In so far as the case for the prosecution relies on usages of war, I submit that the usages of war although customs are nevertheless binding on this court under the War Crimes Act which provides that any violation of the laws and usages of war shall be a war crime, and so far as the opinion of jurists that I have referred to, I refer to the opinion of Professor Arega M.L. p 290 note 1.

I submit that for a trial to be a trial, it must be a fair trial and not colourable trial and that that involves the following elements.

1. impartial tribunal
2. that the accused be notified of the charge before the beginning of evidence.
3. that some evidence be given in court against the accused.
4. that the accused should be protected against incriminating himself before the court
5. that he be given the right to call witnesses and speak in mitigation and
6. that he be given defending counsel or the procedure and his rights be explained to him.

That is the essence of the case.

Irrelevant portion of address omitted from proceedings.

Continues:-

In fact I am suggesting these accused were with the same opinion, involuntary plea of guilty was obtained from them as they were simply brought in and asked questions with no suggestion that they need not incriminate themselves if they didn't want to.

DEFENDING OFFICER OBJECTS.

What right has an accused person to be told before a court that he need not incriminate himself. I must ask that the prosecuting officer confine his remarks to facts before the court.

At this stage prosecutor replied to the following effect, that in a police court the magistrate would advise the accused that he had the right to give evidence if he wished. Such accused could elect not to do so as the accused had done in this case.

The defending officer objected to this as a comment on accused failing to give evidence and asked for a new trial.

PROSECUTING OFFICER

A Magistrate in a police case or crown case always tell him that and

he has the right to give evidence as he does and it is provided for in the Army Act. If he does give evidence he can be cross examined but in any other offence chargeable on indictment there is a rule that I am not to say something which I claim I have not said, and I am not saying now.

JUDGE ADVOCATE

I think you did say it accidentally but you have commented on it.

PROSECUTING OFFICER

I do not want to labour anything on the Baskerville Judge Advocate General's ruling. Nothing I have said is objectionable in any way but the general rights of any accused. All page 91 has a note to section 245 where it says "except where a statute.....".

I will ask the court to exclude entirely from its mind the last few sentences I spoke.

DEFENDING OFFICER

In view of that I withdraw my objection.

JUDGE ADVOCATE

I ask you to dismiss any possible inferences from your minds.

PROSECUTING OFFICER

To sum up briefly what I have been saying

Repeats 5 points which constitutes a trial.

DEFENDING OFFICER ADDRESSES.

Submission.

1. There was no mens rea. This evidence to be wholly upon conduct of accused.
2. Constitution of court not disputed by members of court.
3. The natives were given a fair trial - obviously a fair trial and I adopt the definition that trial is ascertaining of truth or otherwise of an allegation.
4. Burden of proof was on the Prosecutor and if there was a reasonable doubt the accused should be given the benefit of the doubt.
5. Evidence of the good character for the accused had been given by Lt. Gen Kawakubo one of the witnesses for the prosecution.
6. No injustice whatever had been done in so far as the natives were concerned.

Counsel also referred to the Prosecutor's statements as to having a trial of the natives in public and referred to trials even in Australia and in England and particularly refers to trials of spies during war.

Defending officer also referred to Prosecutor's address where he stated that parol evidence if available should be given against the accused, and referred to statement of Arai in which he stated that evidence had not been given by certain counsel and also referred to War Crimes Act Section 9 where evidence other than parol evidence was admitted even though the prosecution was in the position to call Sgt Maj Arai to give their evidence orally and Lt. Gen Kawakubo to give his evidence orally.

Counsel referred also to the arguments as used in the application that a prima facie case had been made out against the accused and criticised the evidence for the prosecution and submitted that the accused should be found not guilty.



JUDGE ADVOCATE SUMS UP.

The accused are charged under the War Crimes Act 1945 with a violation of the laws and usages of war in that they in May 1945 when members of a Military court convened to try 2 natives of Kanbanburu, viz, Popaku and Maran failed to ensure that such natives were afforded a fair and proper trial.

You should accept my advice upon questions of law, but questions of fact are entirely for you to decide.

The charge is a criminal one and the onus of proving the guilt of the accused rests always on the prosecution.

The accused are presumed innocent unless their guilt is proved.

Guilt must be proved beyond a reasonable doubt.

A reasonable doubt is one which would influence your decision in matters of grave importance.

There is a maxim of law "actus non fit reus nisi mens sit rea". Which means that to constitute a crime the act must be accompanied by a guilty mind.

I refer to this maxim as the mental element appears to be of considerable importance in respect of the charge.

The deceased were civilian inhabitants of a territory occupied by Japan. It is not in issue whether or not the accused were properly appointed to constitute a court for the trial of the two natives.

It is conceded by the prosecution that there was sufficient evidence before ~~the~~ such court to justify its finding the natives ~~Popaku~~ guilty of war rebellion provided that they were first given a fair trial. Any war crime is punishable by death.

The question arises whether the accused were bound by international law to accord the natives a fair and proper trial.

In my opinion they were so bound.

I consider that the natives were entitled to a trial by the laws of war before being executed.

I refer you to Appx 6 (MAL p.323) and art. 46 also to para 449 and to note 3 and MAL p 275 note 5.

Now international law does not appear to lay down any fixed form of procedure for Military courts trying civilian inhabitants of occupied territories. That appears to be at the discretion of the belligerent in occupation, subject to the fundamental principles of Justice being observed.

I consider these principles to be -

a. Consideration by a tribunal comprised of one or more men who will endeavour to judge the accused fairly upon the evidence using their own common knowledge of ordinary affairs and if they are soldiers their military knowledge honestly endeavouring to disregard any preconceived belief in the guilt of the accused or any prejudice against him.

b. The accused should know the exact nature of the charge preferred against him.

c. The accused should know ~~the exact nature of the charge~~ what is alleged against him by way of evidence.

d. He should have full opportunity to give his own version of the case and produce evidence to support it..

e. The court should satisfy itself that the accused is guilty before awarding punishment. It would be sufficient if the court believed it to be more likely than not that the accused was guilty.

f. The punishment must not be one which outrages the sentiments of humanity.

I suggest the court should consider whether the trial held by the accused observed such principles.

If the answer is 'yes', then all the accused should be acquitted.

If "No" you should there consider whether all or any of the accused had the necessary guilty mind.

You should be careful to consider the mental attitude of each of the accused separately. This necessitates a careful study of the evidence before you.



7

Sheet No 12.

Did each of the accused honestly satisfy himself that the natives were guilty and deserved to die.

Did the natives acknowledge their guilt.

If so what effect would that have upon the accused.

In conclusion I must remind you that it is not for the accused to establish their innocence, but for the prosecution to prove them guilty beyond a reasonable doubt.

V 82

At 1410 hrs court closes to consider finding.  
At 1450 hrs court reopens.

The President announces that the court finds Capt Shinochara, Capt Memoto, and Capt Shoji all guilty of the charge.

PROSECUTING OFFICER.

There are no previous convictions against any of the accused nor any other charges pending against them.

DEFENDING OFFICER IN MITIGATION.

If the court please, in this case the accused have been found guilty in that they failed to ensure that such natives were accorded a fair and proper trial. The trial which was accorded to them was one which was in accordance with Japanese law by virtue of the international situation and law on the subject. Apparently it was not and therefore by virtue of the War Crimes Act it constituted an offence. I would ask the court particularly to take into account in determining sentences to be imposed on these 3 men, their character of which the highest has been spoken, and the prosecutor has been good enough to say there are no other charges pending against them. The thing is they thought they were doing right and if we regard the actual trial, it is in so far as the court was concerned, that had the natives been tried in a proper manner then the verdict would have been the same and the sentences against them. Then there is the matter of various degrees of guilt as amongst the accused. I don't think I need labour that, as the court should be able to say whether one is more guilty of the charge than the other etc. I ask the court when considering sentence to take these matters into account, and particularly take into account their good conduct as given by the prosecutor.

At 1505 hrs court adjourn to consider sentence.  
At 1520 hrs court reopens.

The President announces that the court sentence Capt. Shinochara, Capt Memoto, and Capt Shoji, each to be imprisoned for 5 years.

The President informs the accused that such finding and sentences are not final until confirmed by a higher authority.

At 1525 hrs Court is closed.

Signed at Rabaul this 1st day of April, 1946.

*Sandpau*

Major. Judge Advocate.

*J. H. King*

Lt. Col. President.

INTERROGATION OF

Sgt. ARAI Kenji, Military Police, 18 Army.

Exhibit A  
J.A. - not  
Lundgren  
J.A. May

1. I am 28 years old.
2. I joined the Japanese Army in 1940 and became a member of the Military Police after completing recruit infantry training. I came to NEW GUINEA as a member of the 18 Army Military Police Unit and landed at WEWAK in Aug 43.
3. I stayed at WEWAK for a few days and then went to ANGORAM. I was stationed at various times at ANGETJI, MARIENBERG KAUP and KAMBRINDO.
4. In Oct 44 I went to BRANBA and stayed there until the surrender. I was under command of Capt SHINOHARA 102 Inf Regt who was at MOIM. I was commander of BRANBA area. There was only one other Japanese soldier at BRANBA namely L/Cpl SUMITANI Jiro of 102 Inf Regt.
5. My task was to collect sac-sac from the surrounding villages and to construct gardens.
6. In Jan 45 I prepared a fortnightly quota of sac-sac to be supplied by ~~using~~ the surrounding villages. I calculated the quota from the available sac-sac and the population of each village.
7. The natives used to bring the sac-sac into BRANBA and I used to ship it by canoe to MOIM.
8. Among the villages from which I required a quota was KANBANBURU. I locate this village on the map as about 2 miles North of ARAI. There is no village of KAMBAMPI or KAMBAMBIT known to me in that area. The KANBANBURU quota was about 2 cwt of sac-sac per month.
9. The KANBANBURU natives supplied their quota regularly in Feb. and Mar. 45. In April 45 no sac-sac was brought in from KANBANBURU.
10. At the end of April 45 I sent a native to KANBANBURU to find out why the sac-sac had not arrived and to tell the villagers to send it to BRANBA.
11. The native was hit over the head and was sent back with a message that the KANBANBURU natives would send no more sac-sac.
12. The next day I sent 3 natives to KANBANBURU. They found that the KANBANBURU natives had gone into the bush. They collected some of them. The KANBANBURU natives told these 3 natives that they would have nothing to do with them Japanese Army and would not supply them with sac-sac. They said the Japanese Army were fools (BAKA) and that they would resist any attempt by the Japanese to get sac-sac from KANBANBURU. The KANBANBURU natives threatened the 3 messengers with bows and arrows and spears and the messengers left KANBANBURU and returned to BRANBA.
13. I reported this to Capt. SHINOHARA in writing. I received a reply ordering me to go to KANBANBURU and find out where the natives had gone. Capt SHINOHARA also sent 5 or 6 Japanese to BRANBA. A few days later with these Japanese and 20 natives I went to KANBANBURU. There were no natives in the village. I sent a patrol into the bush nearby. Some natives threw spears at them and shouted threats. The patrol returned to KANBANBURU. This met similar reception and one of my natives received a spear wound in his buttock. It took about ten days to heal. The patrol returned to KANBANBURU and I sent a report to Capt. SHINOHARA. The next week I moved between KANBANBURU and BRANBA where I had other duties.
14. Capt. SHINOHARA came to BRANBA and told me to collect the KANBANBURU natives and bring them to BRANBA. Capt. SHINOHARA returned to

We stayed there overnight  
and next day went and  
another patrol



I Interrogation of ARAI ( continued)

MOIM at once. I had found out where the KANBANBURU natives were living some distance from KANBANBURU and went to the spot with a patrol of 5 or 6 Japanese and 20 natives. They engaged us with bows and arrows and spears, but none of our party was seriously hurt. We closed in on them from all sides and arrested them. There were about 25 of them about 10 being young men. We tied the hands of the ten young men and brought the whole 25 to BRANBA. This was about the middle of May 45. Until the end of May I investigated the attitude of each man. I found that 5 natives were principally involved in the resistance of the Japanese. I reported this to Capt. SHINOHARA. He then came to URNABA and spent three days checking my investigations. He interrogated the ~~three~~ five <sup>natives</sup> ~~one~~ himself as he could speak Pidgin. He found that 2 of the natives were principal offenders. Capt. SHINOHARA then returned to MOIM. Three days later Capt. SHINOHARA returned bringing with him Capt. NEMOTO and Capt. SHOJI.

15. These three officers interrogated the 2 natives who were POPAKU No. 1 Capt. of KANBANBURU and MARAN his boss-boy.
16. Capt. SHINOHARA ordered me to assemble the chiefs of all the neighbouring villages. He addressed them telling them of the misdeeds of the KANBANBURU natives and exhorting them to co-operate with the Japanese. The 3 officers then returned to MOIM.
17. Four or five days later I received a written order from Capt. SHINOHARA to execute POPAKU and MARAN.
18. I took them to the graveyard and had some natives dig a grave. I placed the natives in the grave, bound them together and despatched them with one rifle shot which killed them both. The execution was witnessed by the chiefs of the surrounding villages.
19. POPAKU and MARAN were found guilty under military law of the ~~offending~~ offences :-
  - (i) Opposition to the Japanese Army.
  - (ii) Trying to influence other natives to oppose the Japanese Army.
20. I consider that the investigation by the 3 officers amounted to a lawful trial by a proper military Court. I was present at the investigation acting as interpreter. KANBANBURU natives were called as witnesses implicating the accused. One was named WAI and there were two or three others names I do not remember. The accused spoke in their own defence and admitted their guilt. No spectators were allowed.

Interrogated at CAPE WOM  
6 Jan 46 by me

Capt.

( John. D. Steed)

I certify that the above writing is a true translation of Witness's statements.

A. KLESTADT WO 12

*Authenticated true copy  
John D. Steed Capt.*

INTERVIEW OF

CAPT SHINOBARA KICARO, 2 BN, 102 INF BN.

*Exhibit B*  
*President*  
*San Francisco*  
*disg*  
*SA*

19

1. I was stationed with my unit at MOIM between Jan 45 and Jun 45.
2. In Apr 45 I received a written report from Sgt ARAI that KANBANBURU, a village in his district was not forwarding sac sac. This I reported to HQ 51 Div Inf Gp. I sent a reply to ARAI to try and persuade the natives to bring in the sac sac and if they would not to arrest the whole village.
3. Sgt ARAI sent another report some time later saying that he could not find the natives. I sent him about 5 soldiers to help him. I told ARAI to go himself and arrest the whole of the natives. Because ARAI's stated that the natives of KANBANBURU had refused to supply sac sac, had deserted their village and had sent belligerent messages to ARAI I declared them enemies of the Japanese.
4. About 20 days later I received word from ARAI that 20 or 30 men had been assembled. I told ARAI to make an investigation to find out who were the ringleaders of the village who had thrown spears at the Japanese patrol.
5. ARAI sent me his findings a week later. He said all the men had ~~had~~ had spears but only 5 had been responsible for the trouble.
6. I then went to BRANBA and conducted an investigation into the cases of these 5 natives. I believe that about 20 to 30 KANBANBURU natives were in BRANBA at that time.
7. I read over ARAI's investigation to each native, one by one, and asked him if it was correct. Each man said "Yes". I also asked other questions, particularly of the Luluwai POPAKU and the boss boy, MARAN. They all admitted all ARAI's allegations. The only persons present were myself ~~was~~ myself, ARAI and the 5 natives.
8. I then dismissed the 5 natives and asked questions of a number of the other KANBANBURU natives. I did not ask their names. These natives all implicated POPAKU and MARAN. I made a written report giving as my opinions that these two natives were guilty of rebellions I then returned to MOIM and sent ARAI's and my own reports to HQ 51 Div Inf Gp.
9. A few days later Capt SHOJI arrived from HQ 51 Div Inf Gp, bringing with him a written order from Maj-Gen KAWAKUBO convening a Court Martial at BRANBA for the trial of POPAKU and MARAN. The order convening the Court named me as President and Capt SHOJI and Capt NEMOTO as members, Sgt ARAI was NOT a member of the Court, and did NOT act as a member. He was interpreter only. SHOJI was a member NOT a Judge-Advocate. I showed Capt NEMOTO and Capt SHOJI the reports made by ARAI and myself.
10. We then called POPAKU in and Capt NEMOTO and Capt SHOJI asked him questions.
11. I did not ask any questions. I knew the facts from my previous investigations.
12. We sent POPAKU out when he had been questioned and brought MARAN in. He was questioned in the same way by Capt NEMOTO and Capt SHOJI.
13. I then brought both POPAKU and MARAN into the room and asked them if they had spoken the truth when answering the questions. They each said, "Yes". Nothing else was said to the natives until I passed sentence of death on them.

14. While the accused and Sgt ARAI remained in the room Capt NEMOTO, Capt SHOJI and I looked up the Rules for Court-Martial Procedure (RIKUGUN KEIMO) and agreed that the accused were guilty under Rule 25 of rebellion by carrying weapons, resisting the JAPANESE and inciting others to taking hostile actions against the JAPANESE. The death penalty is provided as the only penalty for the leaders of a rebellion.
15. Sgt ARAI did NOT take part in the discussions. When we had come to our decision which was unanimous I told the accused that we had found them guilty of rebellion and that they were sentenced to death.
16. After the sentence was passed the accused were asked by NEMOTO and SHOJI whether they had anything to say. The accused replied "No".
17. After the trial I prepared an abstract of the questions and answers, the charge, the finding and the sentence. This record was sent by Capt S SHOJI to Maj-Gen KAWAKUBO.
18. We returned to our units and about a week later Maj-Gen KAWAKUBO confirmed the sentence and ordered it to be carried out. I passed the order on to Sgt ARAI.
19. After I made my first investigation I was convinced that the two accused were guilty of rebellion.
20. If I were nominated as a member of a court-martial and did not know any of the facts before the Court opened I would not know whether the accused was guilty or innocent. In this case I knew before the trial started that the accused were both guilty.
21. Capt NEMOTO was in my unit and I acquainted him with the facts before the trial commenced.

Interrogated at WENAK  
10 Jan 46 by me

(JOHN DAVID STEED)

Capt.

I certify that the above writing is a true translation of the above witness's statements.

A. KLESTADT. W.O. 11.

*Certified true copy  
Submitted Capt.*



Trial of Captain Eitaro Shinohara &  
2 others

Ans. 52.

INTERROGATION OF

CAPT NEMOTO TOYOJI, 2 BN, 102 INF REGT

Exhibit C  
J. H. H. H.  
Davidson  
May  
5.17

1. I was stationed with my unit at MOIM between Feb 45 and May 45.
2. I visited BRANBA three times, early in Feb, in May and June.
3. The first time I went to arrange for the natives of the district to collect sac sac and bring it in to the Japanese garrison at BRANBA. I stayed there one night only.
4. The second occasion I stayed two days.
5. After the fall of WEWAK, the front-line troops were becoming short of food and it was necessary to have increased supplies of sac sac from the SEPIK area. Late in Apr 45 Sgt ARAI reported that KANBANBURU had sent in no sac sac during that month. ARAI later reported ~~that KANBANBURU had sent in no sac sac during that month~~ having made several patrols to KANBANBURU and received opposition on each occasion.
6. Capt SHINOHARA ordered Sgt ARAI to bring in to BRANBA as many KANBANBURU natives as he could find.
7. Sgt ARAI later reported that he had brought the KANBANBURU natives into BRANBA.
8. Capt SHINOHARA, Capt SHOJI and I went to BRANBA to conduct a trial of the KANBANBURU natives according to special Court Martial rules laid down by 18 Army for the trial on active service of natives. He was President of the Court and Capt SHOJI and I were members.
9. Two natives were accused before the Court.
10. When the trial opened Capt SHINOHARA, Capt SHOJI, Sgt ARAI, the two accused and myself were present. We all remained together until after the sentence had been pronounced. Capt SHINOHARA announced that trial was about to begin. The records of Sgt ARAI's and Capt SHINOHARA's previous investigations were before us. Capt SHOJI and I began the trial by asking the natives questions. We asked them why they had refused to bring in sac sac and why they had attacked the JAPANESE patrols. The natives told us that they had led the other villagers into failure to co-operate with the JAPANESE. The natives said that they realized that they had done wrong in doing so.
11. Capt SHOJI and I then decided that both accused were guilty of an offence under Rules of Court-Martial Procedure, clause 24 or 25. We decided that they should be sentenced to death.
12. The offence of which we considered them guilty was treason in that they took up arms against the JAPANESE. The offence of failure to supply sac sac does not carry a death penalty and we did not convict them of that offence. We told Capt SHINOHARA of the charge of which we thought they were guilty and the sentence we thought appropriate. He thought for a moment and then said that he agreed with us and sentenced the accused to death.
13. From the time when Capt SHOJI and I had finished questioning the natives until Capt SHINOHARA passed sentence of death, nothing was said to the natives.

14. I now say that before SHINOHARA pronounced sentence I asked the accused if they had anything to say and they replied in the negative. I swear this by the Emperor.
15. The accused had no defending officer or advocate. No witnesses were called at the trial but documentary evidence of the previous investigations by Capt SHINOHARA and Sgt ARAI was before the Court.
16. The trial took about 4 hours. After sentence was pronounced the accused were taken away in custody. A record of the trial was sent to Maj-Gen KAWAKUBO who later confirmed the sentence.
17. I am not a legal officer and I do not know what would have happened had Capt SHINOHARA considered that no charge was made out against the accused. I think in such case SHINOHARA would have acquitted the accused. I am not certain of this for the possibility of a disagreement never occurred to me.

Interrogated at CAPE WOM  
8 Jan 40 by me

(JOHN DAVID STEED) Capt.

I certify that the above writing is a true translation of the above witness's statements.

ATIS 85

*Certified true copy  
J. H. O. A. Cpt.*

INTERROGATION OF

CAPT SHOJI TAKEYASU HQ 51 DIV INF GP

*Exhibit D-acc  
provided  
Sanford  
Aug  
54*

1. I was with HQ 51 Div Inf Gp at ANGORAM in May 45.
2. I was sent by Maj-Gen KAWAKUBO to be recorder and observer of a trial of 2 natives at BRANBA in May 45.
3. I was sent because I know something of military Law.
4. The members of the Court were Capt SHINOHARA, Capt NEMOTO and Sgt ARAI.
5. When the Court opened the two natives were brought in and asked a number of questions by Capt NEMOTO. Then Capt SHINOHARA asked similar ~~questions~~ and recorded the answers. I asked no questions as I had no prior knowledge of the facts.
6. Capt NEMOTO when the questioning was finished, asked the natives if they had anything to say. They replied, "No".
7. The 3 officers and Sgt ARAI then went into another room. Capt NEMOTO and Sgt ARAI conferred for a while and then told me that the accused were guilty of treason under Clause 26 of the Rules of Court-Martial procedure and deserved the death penalty. I told them that in my opinion the charge was justified by the evidence and that the sentence was lawful.
8. They reported this to Capt SHINOHARA who again looked at the record of the previous investigations and said that he agreed with them.
9. He then wrote out a record of the findings and sentence and gave it to me. I took this back to Maj-Gen KAWAKUBO.

Interrogated at CAPE WOM.  
8 Jan 46 by me

JOHN DAVID STEED Capt.

I certify that the above writing  
is a true translation of the above  
witness's statements.

ATIS 88

*Testified true copy.  
Shindoh Capt.*



INTERROGATION OF

LT-GEN KAWAKUBO SHIZUMA HQ 51 DIV INF GP

*Exhibit E*  
*WCC*  
*located*  
*San Francisco*  
*Aug 48*

1. In May 45 my Hq were located at KASIMIN. HQ 51 Div was at PASSAM.
2. In May 45 I received a report from Capt SHINOHARA which disclosed offenses by two natives of KANBANBURU. I think Capt SHINOHARA asked for a Court to be convened to try them.
3. I produced my recollection of an 18 Army order regarding trial of natives. I received this when I arrived in NG in Feb 44 and I think it had been issued before then.
4. Under this order the senior JAPANESE in any remote locality, whatever his rank, may try offences committed by natives and inflict the death penalty without prior reference to any superior Comd.
5. I convened a Court instead of letting Sgt ARAI deal with the case because I considered the natives as my children and, although I could not allow their conduct to hold up the Army's operations, I wanted them to have as fair a trial as possible.
6. I convened a Court and personally decided its composition; namely, Capt SHINOHARA Pres, and CAPTS NEMOTO and SHOJI as members. Capt SHOJI was a member of the Court. If he says otherwise he is wrong. He has had malaria and is sometimes forgetful.
7. At SHINOHARA'S HQ the only officers were ~~SHOJI~~ <sup>SHINOHARA</sup> and NEMOTO. I had only 5 healthy officers at my HQ but I spared Capt SHOJI to sit as member of the Court.
8. 2 Bn, 102 Inf Regt, under Maj SERIKAWA's command, was at KASIMIN. They had 3 or 4 officers.
9. HQ 102 Inf Regt was at MARIENBERG. 3 Bn with Maj OBA commanding was at BIEN. 1 Bn with Maj IRIMANO commanding was at ANGORAM.
10. I consider that I chose an impartial Court. Although Capt SHINOHARA had reported that the natives had in his opinion committed offences, I do not know that he was absolutely convinced of that before the trial. I am confident that he would deal fairly with the case. I do not consider it likely that Capt NEMOTO would be influenced by Capt SHINOHARA.
11. I consider that it is not just that any man should be sent for trial on a capital charge without defending counsel to represent him.
12. Appointment for defending counsel is not provided for in 18 Army order. In any case natives are as children and uneducated and it would be no use anyone trying to defend them.
13. No defending counsel was available and I told Capt SHOJI to see that the trial was impartial.
14. I am a JAPANESE Staff Corps officer and passed through the Staff College in 1911. I have heard about the HAGUE Conventions. I read it at the Staff College but have forgotten its provisions.
15. I consider that I am bound to observe the HAGUE Conventions. I know that there is a body of International Law for regulating the relations of nations at war and I am bound to observe International Law.

Interrogated at WEWAK  
11 Jan 46 by me

JOHN DAVID STEED Capt.

I certify that the above  
writing is a true translation  
of the above witness's statements

H. KLESTADT WOLL

*Collected & Transcribed*  
*Published 2/51*

Exhibit F  
J. G. Smith  
J. G. Smith

10 ARMY CODE.

Issued August July 1943.

Landwehr  
Aug  
3-9

1. Punishment of criminal acts committed by the natives will be decided not only by this 10 Army Order but at the same time concerning to JAPANESE MILITARY LAW.
2. Minor crimes or acts committed in outlying (distant) areas may be tried by the senior army personnel in charge of that area.
3. The carrying out of a sentence must be reported to the higher authority.
4. The trial should be held at night. No. Legal officers may be absent from this trial. When officers within the unit may be selected by the unit or to act instead of legal officers.
5. Sentences may include whipping (with whip) along with the punishment provided in the Army Law.
6. This 10 Army Order was issued to substitute and add the carrying out of any operations and to conform to the will of the 10 Army but the intentions of the natives to different kinds of punishment should be carefully weighed and the natives should not be used as laborers without due consideration.

ISSUED BY

ARMS LAD.

13/7/48

DPW (AG13(2a))/AR.

**RECORD OF MILITARY COURT** *Ans. 52.*  
(JAPANESE WAR CRIMINALS)

AWC No. 2328, 2329, 2327

Accused: Capt SHINOHARA, Eitaro  
" NEMOTO, Toyoji  
" SHOJI, Takeyasu

Aust W.C. List Ser No.

Court, Place, RABAU  
Date and 30 Mar/1 Apr 46  
Formation: 8 MD

Charge(s)	Plea	Finding
Violation of the Laws and Usages of War in that they in May 1945, when members of a Military Court convened to try two native of KANBANGURU failed to ensure that such natives were afforded a fair and proper trial.	NOT GUILTY	GUILTY

Precis of Evidence:

Attached.

Sentence and Date: IMPRISONMENT FOR 5 YEARS  
1 Apr 46

Confirmation and by Whom: Not confirmed by Chief of General Staff - Lt-Gen V.A.H. STURDEE  
4 Jun 46.

Promulgation: Non-confirmation of finding and sentence promulgated to each of the accused on 29 Jun 46.

Petition: Submitted 11 Apr 46 against finding and sentence of the Court.

J.A.G.'s Report on Petition: Findings and sentences should not be confirmed.

Action on Petition: Upheld.

Filed in Attorney-General's Department and Numbered.



Precis of Evidence:

The native village of KANBANGURU did not supply its quota of sac sac in Apr 45 and Sgt ARAI Kenji Jap MP in charge of the area sent natives to contact the villagers who had gone bush. The villagers were hostile and he reported accordingly to Capt SHINOHARA, who sent 5 or 6 Japs and instructed him to find out where the natives had gone. Two patrols were sent out and were met with a hostile reception. Capt SHINOHARA ordered ARAI to bring the villagers into BRANBA which he did without serious casualties, although it is alleged bows, arrows and spears were used by the villagers. Sgt ARAI interrogated and reported that 5 natives were responsible for the resistance to the Japs. Capt Shinochara came to BRANBA and questioned the 5 natives, two of whom he considered principal offenders. He returned to MOIM and three days later again came to BRANBA with Capt NEMOTO and Capt SHOJI. These three officers interrogated the two natives selected by Capt SHINOHARA as the leaders - POPAKU, No.1 Capt of KANBANBURU and MARAN his boss boy.

The three officers returned to MOIM and a written order was received by ARAI a few days later to execute the two natives. Sgt ARAI states that the natives were found guilty under military law of

- (i) Opposition to the Japanese Army
- (ii) Trying to influence other native to oppose the Japanese Army.

Extract from statement by Capt SHINOHARA Eitaro:-

"I conducted an investigation at BRANBA and as a result reported to HQ 51 Div Inf Gp that these two natives were guilty of rebellion. Capt Shoji arrived from HQ with a convening order for a court martial at BRANBA naming myself as President and Capt Shoji and Capt Nemoto as members. I showed the reports made by Arai and myself to Shoji and Nemoto."

Under cross examination by defending officer, Sgt ARAI stated that the accused were brought before the court separately.

Statement by Capt SHINOHARA Eitaro (contd):

"The Court called in POPAKU and MARAN separately and they were questioned by NEMOTO and SHOJI.

While the accused and Sgt ARAI were in the room we looked up the rules for court martial procedure and agreed that the accused were guilty under Rule 25 of rebellion by carrying weapons, resisting the Japanese and inciting others to take hostile actions against the Japanese.

The death penalty is provided as the only penalty for the leaders of a rebellion.

Maj-Gen KAWAKUBO confirmed the sentence of death.

In this case I knew before the trial started that the accused were both guilty."

Extract from statement by Capt NEMOTO, Toyoji:-

"When the trial opened Capt SHINOHARA, Capt SHOJI, Sgt ARAI, the two accused and myself were present. We all remained together until sentence had been pronounced -- The records of previous investigations were before us. Capt SHOJI and I asked the natives questions. The natives admitted that they had done wrong. Capt SHOJI and I then decided that both accused were guilty of treason under Rules of Court Martial Procedure, Clause 24 or 25. We decided they should be sentenced to death and told Capt SHINOHARA who agreed.

The accused had no defending officer or advocate.  
No witnesses were called at the trial."

Extract from statement by Capt SHOJI, Takeyasu :-

"I was sent by Maj-Gen KAWAKUBO to be recorder and observer  
of the trial.

Members of the court were Capt SHINOHARA, Capt NEMOTO and  
Sgt ARAI. When the Court opened the two natives were  
asked questions by Capt NEMOTO and Capt SHINOHARA. I asked  
no questions as I had no prior knowledge of the facts.

The 3 officers and Sgt ARAI then went into a room,  
Capt NEMOTO and Sgt ARAI conferred and then told me  
that the accused were guilty of treason under Clause 26 and  
deserved the death penalty to which I agreed. Capt SHINOHARA  
also agreed with them."

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# RECORD OF MILITARY COURT (JAPANESE WAR CRIMINALS)

AWC No. 894Accused: **Lt-Gen DABA Masao**

Aust W.C. List Ser No. ....

Court, Place **RABAU**  
Date and **28 May & 2 June 47.**  
Formation: **8 M.D.**

Charge(s)

Plea

Finding

**Committing a War Crime, that is to say  
A Violation of the Laws and Usages of War  
in that he between December 1944 and Septem-  
ber 1945 in Borneo, while a Commander of  
Armed Forces of Japan at war with the  
Commonwealth of Australia and its Allies,  
unlawfully disregarded and failed to  
discharge his duty as such Commander to  
control the conduct of the members of his  
command whereby they committed brutal  
atrocities and other high crimes against  
the people of the Commonwealth of Australia  
and its Allies.**

NOT  
GUILTY.GUILTY.  
TO SUFFER DEATH BY  
HANGING.

Precis of Evidence: The evidence against the accused consisted mainly of state-  
ments from 2 former Australian Prisoners of War, and Japanese officers, which  
had been used at previous war crime trials.  
The substance of the evidence for the prosecution was as follows:—That members  
of the accused's command pursuant to orders of the accused, had conducted on  
2 occasions, the transfer of a number of Australian and British Prisoners of  
War, by a route march from Sandakan to Ranau in British North Borneo. The  
physical condition of the Prisoners of War was so poor that these marches  
amounted to ill-treatment. Evidence was also given of a number of brutal  
atrocities and ill-treatment such as insufficient food, failure to provide  
medical attention, and the failure to provide sufficient clothing and boots,  
thereby causing many Prisoners of War to march barefooted over the Sandakan,  
Ranau route, a distance of 150 miles. The Prisoners of War encountered such  
severe hardships on both of these marches that a number of them died on the way.  
Statements were produced to prove that 2 Japanese Officers under the command  
of the accused, were directly responsible for the giving of orders which  
resulted in the shooting and killing of many Prisoners of War during the march  
from Sandakan to Ranau, and whilst at Ranau.

Over.

Sentence **To suffer: DEATH BY HANGING.**  
and Date: **2 June 47.**

Confirmation  
and by Whom: *Major Gen. M.H. Anderson Adj. Gen. AMF 15/6/47.*

Promulgation: *Confirmation of finding and sentence promulgated to the  
accused on 6-8-47. Award executed on the 7/8/47.*

Petition: **Petition lodged 14 June 47 on behalf of the accused.**

J.A.G.'s Report on Petition: **Confirm finding and sentence and dismiss petition.**

Action on Petition: *Dismissed 17/7/47.*

Filed in Attorney-General's Department and Numbered.....



7  
Aug. 216.

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LT GEN

BABA MASAO

COMBINED ORDER FOR ASSEMBLY OF A MILITARY COURT

DATED 27 MAY 47.

Name, Rank, (a) Name and Unit of Accused.	Offence charged.	Plea.	Finding, and if Convicted, Sentence. (b)	How dealt with by Confirming Officer. (c)
Lt-Col BANK MASON, General Officer Commanding 37 Japanese Army.	<u>COMMITTING A WAR CRIME, that is to say, A VIOLATION OF THE LAWS AND USAGES OF WAR,</u> in that he between DECEMBER 1944 and SEPTEMBER 1945 in PORTUGAL while a Commander of Armed Forces of JAPAN at war with the Commonwealth of Australia and its Allies unlawfully disregarded and failed to discharge his duty as such Commander to control the conduct of the members of his command whereby they committed brutal atrocities and other high crimes against people of the Commonwealth of Australia and its Allies.	Not Guilty	Guilty To suffer death by hanging. By Order of the Court 2 Jan 47	I confirm the finding and sentence.  W. M. Anderson Major-General, ADJUTANT-GENERAL, Australian Military Force Confirming Officer. 17 Feb 1947.

Brigadier,  
Commandant, 8th Military District.  
Confirming Officer (d).

27 May 47.

FORM FOR ORDER AND PRECEDENTS OF A MILITARY COURT

27<sup>th</sup> day of May 1947.

I, Brigadier I. R. [Name], do hereby, as Officer authorized to convene a Military Court under the War Crimes Act 1945 that the person named in the enclosed Schedule has committed the war crime in the [ ] mentioned, I hereby convene a Military Court in the said person, and to consist of the Officers hereinafter named.

PRESIDENT

Major-General J. B. [Name], R. A. C. [ ] are appointed PRESIDENT  
R. A. C. [ ]

MEMBERS

Brigadier I. R. [Name], [ ]  
Army General at [ ]

Colonel A. J. [Name], R. A. C. [ ]  
Murderer Prisoner at [ ]

Lieut-Col R. A. [Name],  
H. Eastern Command

Are appointed MEMBERS

*fin*

Lieut-Col R. C. [Name], R. A. C. [ ]  
8th Military District

Major L. J. [Name],  
8th Military District

JOINT CLERK

Major H. J. [Name]  
Headquarters,  
[ ]

*[Signature]*  
Brigadier.

[Name], 8th Military District.  
Convening Officer.



CERTIFICATE OF PROMULGATION

Promulgated in the case of A/C 2261 Lt Gen BABA Masathis 6th day  
of AUGUST 1947 XOWOX

*Alinal.*

Maj.  
(Sgd) DAAG 8th Military District.....  
Name, Rank and Unit of Officer  
effecting promulgation.

WARRANT OF EXECUTION

WHEREAS Lt-Col BABA Masao on the 2nd day of June 1947 was sentenced by military court held at MANABU to death and where the finding and sentence of the said military court have been duly confirmed in accordance with the War Crimes Act and whereas I have reviewed the said sentence, now the signed by Warren Melville ANDERSON Adjutant General of the Australian Military Forces, hereby approve of the carrying out of the sentence confirmed as aforesaid.

Dated this *twelfth* day of *July*  
One thousand nine hundred and forty-seven.

*W. M. Anderson*  
Major-General,  
Adjutant-General,  
AUSTRALIAN MILITARY FORCES.

(11)

CERTIFICATE BY OFFICER SUPERVISING THE EXECUTION

I, *Kenneth John Dunn* an officer of  
the AMF certify that I was present at and supervised the  
execution of the abovenamed Lt-Col BABA Masao at *Manabu*  
at *0800* hrs on the *seventh* day of *August* 1947.

Dated this *seventh* day of *August* 1947.

*Kenneth John Dunn*  
Signature

(111)

CERTIFICATE BY MEDICAL OFFICER PRESENT AT THE EXECUTION

I, *James Morrison Cairns* a legally qualified  
medical practitioner certify that I examined the body of the person  
executed in accordance with the above certificate and pronounced  
life extinct.

Dated this *seventh* day of *August* 1947.

*J. M. Cairns*  
Signature

7

**Note:** The records of the proceedings of the Court will be attached to this form.

(a) If the accused is not a member of the naval, military or air force of an enemy or ex-enemy Power, the name, occupation and residence of accused will be inserted.

(b) Recommendation to mercy, if any, to be inserted in this column, or on a separate sheet attached to the proceedings with the reasons for the recommendation.

(c) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.

(d) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialled by him.

I certify that the above Court assembled on the day of \_\_\_\_\_ and duly tried the person named in the Schedule, and that the plea, finding, and sentence in the case of such person were as stated in the third and fourth columns of the Schedule and that the Regulations for the trial of War Criminals have been complied with.

I also certify that

1. The members of the Court,
2. The Judge Advocate,
3. The witnesses,
4. The Interpreter,
5. The shorthand Writers,

were duly sworn.

*Signed*  
② ~~SIGNED~~ this 2nd day of June 1947.

*W. J. J. J.*  
Major-General,  
President of the Military  
Court.

I have dealt with the finding and sentence in the manner stated in the last column of the Schedule, and, subject to what I have stated, I hereby confirm the above finding and sentence.

*W. J. J. J.*  
Major-General,  
ADJUTANT-GENERAL,  
Australian Military Forces,  
Confirming Officer.

~~SIGNED~~ this twentieth day of July, 1947.



ABSTRACT OF EVIDENCE

against Lieutenant-General S A B A Masao, General Officer  
Commanding 37 Japanese Army on the charges

FIRST CHARGE:

Committing a War Crime, that is to say,  
Ill-treatment of Prisoners of War,

in that he

in Borneo on or about January 1945 issued orders that a number of Australian and British Prisoners of War should march from Sandakan to Ranau at a time when the said Prisoners of War were in such a condition that the said march would necessarily ~~cause~~ them great pain and suffering.

SECOND CHARGE:

Committing a War Crime, that is to say,  
Ill-treatment of Prisoners of War,

in that he

in Borneo in or about May 1945 issued orders that a number of Australian and British Prisoners of War should march from Sandakan to Ranau at a time when the said Prisoners of War were in such a condition that the said march would necessarily cause them great pain and suffering.

THIRD CHARGE:

Committing a War Crime, that is to say,  
a violation of the Laws and Usages of War,

in that he

between December 1944 and September 1945 in Borneo being a Commander of Japanese Armed Forces at war with the Commonwealth of Australia and its Allies unlawfully disregarded and failed to discharge his duty as such Commander to control the conduct of the members of his command whereby certain of the members of his said Command murdered a number of Australian and British Prisoners of War.

1. The Prosecution will rely on and tender in evidence the record of the interrogation of the Accused by Capt Gerke at HQ 8th Military District on 8 May 1947 to prove that the Accused was appointed to the Command of 37 Japanese Army in December 1944 and held the Command until the cessation of hostilities, and other matters.

2. In regard to the first charge the Prosecution will prove the following facts, namely,

- (a) That in January 1945 the prisoners of war at Sandakan were in such a condition that marching from Sandakan to Ranau would necessarily cause them great pain and suffering.
- (b) That the Accused was or ought to have been aware of the condition of the said prisoners of war.
- (c) That at or about the end of January 1945 the Accused ordered that 500 prisoners of war should be marched from Sandakan to TUALAN (35 kilometres North of Jesselton) and that on 1 February 1945 he changed the destination of the prisoners of war to RANAU.
- (d) That at or about the end of January 1945 approximately 470 Australian and British prisoners of war set out from Sandakan to march to Ranau, that in the course of the march they encountered severe hardships which caused them great pain and suffering, and that during the march a number of them died.

In order to prove the above-mentioned facts and other matters, the Prosecution will rely on and tender in evidence the following documents: -

- (a) Interrogation of Capt HOSHIJIMA SUSUMU on 24 September 1945 - Exhibit H at trial of Hoshijima.
- (b) Statement of Capt YAMAMOTO SHOICHI - Exhibit O to the proceedings at his trial.

- (c) Interrogation of Capt Yamamoto Shoichi - Exhibit J to the proceedings at his trial.
- (d) Interrogation of Capt Yamamoto Shoichi - Exhibit G to the proceedings at his trial.
- (e) Evidence of WO1 W.H. STIPCEWITCH At the trial of Capt Yamamoto Shoichi.
- (f) Evidence of Keith BOTTERILL at the trial of Capt Yamamoto Shoichi.
- (g) Evidence of Capt Yamamoto Shoichi at his trial.
- (h) Evidence of Capt IINO SHIGERU at his trial.
- (i) Statement of Capt MISUTA RYUICHI - Exhibit AT to the proceedings at his trial.

3. In regard to the second charge the prosecution will prove the following facts, namely,

- (a) That in May 1945 the prisoners of war at Sandakan were in such a condition that a march from Sandakan to Ranau would necessarily cause them great pain and suffering.
- (b) That the accused knew or ought to have known of the condition of the Prisoners of War.
- (c) That at or about the end of May 1945 the accused issued orders that Prisoners of War at Sandakan be moved to Ranau.
- (d) That at or about the end of May 1945 approximately 540 Australian and British prisoners of war began to march from Sandakan to Ranau, that they encountered severe hardships which caused them great pain and suffering, and that during the march a number of prisoners of war died.

In order to prove the foregoing facts and other matters the Prosecution will rely on and tender in evidence the following documents:-



- (a) Evidence of Col Takayama Hikoichi at the trial of Capt Hoshijima Susumi.
- (b) Evidence of Col Takayama Hikoichi at the trial of Capt TAKAKUWA TAKUO.
- (c) Evidence of IWAHASHI MANABU at the trial of Capt Takakuwa Takuo.
- (d) Evidence of Capt Takakuwa Takuo at his own trial.
- (e) Statement of Capt Takakuwa Takuo - Exhibit I to the proceedings at his trial.
- (f) Statement of Lt Watanabe Genjo - Exhibit F to the proceedings at his trial.
- (g) Extract from the interrogation of Lt Watanabe Genjo - Exhibit H to the proceedings at his trial.

4. In regard to the third charge the prosecution will prove the following facts, namely,

- (a) That during the march from Sandakan to Ranau which began at the end of January 1945 a number of prisoners of war were shot by Japanese soldiers under the command of the accused upon the order of Capt YAMAMOTO SHOICHI, an officer under the command of the Accused.
- (b) That during the march from Sandakan to Ranau which began at the end of May 1945 a number of prisoners of war were shot by Japanese soldiers under the command of the accused upon the order of Capt TAKAKUWA Takuo, an officer under the command of the Accused.
- (c) That at Ranau in July 1945 a number of prisoners of war died.
- (d) That at Ranau on or about 1 August 1945 a number of prisoners of war were shot by Japanese soldiers under the command of the Accused upon the order of Capt TAKAKUWA Takuo, an officer under the command of the accused.

In order to prove the abovementioned facts and other matters the prosecution will rely on and tender in evidence the following documents, namely,

- (a) The relevant portions of certain of the documents more fully described in paragraphs 2 and 3 of this Abstract.
- (b) Statement of Sgt OKADA TOSHIMARU - Exhibit W to the proceedings at the trial of Capt Takakuwa Takuo.
- (c) Statement of Formosan HIROTA GINJIRO - Exhibit X to the proceedings at the trial of Capt Takakuwa Takuo.

5. Unless notice to the contrary is given to the accused or his defence representatives the documents above referred to will be tendered to the Court in the order in which they appear in this Abstract.

6. A Photostat or typewritten copy of each of the abovementioned documents will be delivered with a copy of this Abstract to the accused or his defence representative.

Sheet No. 1.

THE WAR CRIMES ACT 1945.

TRIAL OF :           Lieut-Gen HABA Masao  
                      GOC 37 Japanese Army.

DATE OF COURT :   28 May 1947.

PROSECUTING OFFICER:

      Maj H.F. DICK (A.A.L.C.) assisted by  
      Lt P.L. BROWN (HQ. Western Command).

DEFENDING OFFICER:

      Maj Gen YAJIMA Masayoshi assisted by  
      CHAE Tokio and  
      Interpreter OLSHA Tames.

At 0930 hrs the Court assembles.

The Accused is brought before the Court.

The Members of the Court and Judge Advocates are duly sworn.

Misses E. LAWRENCE, G. NELSON and B. JUPP are duly sworn as  
Shorthand Writers.

Capt SUZUKI Heihachiro is duly sworn as Court Interpreter.

The Accused is arraigned on the Charge.

The Accused pleads NOT GUILTY to the Charge.



THE PROSECUTION OFFICER ADDRESSES THE COURT

May it please the Court. The Accused is Lt-Gen. Hata, who was General Officer Commanding 17 Japanese Army from December 1944 until the cessation of hostilities. He is charged with having, during that period, unlawfully disregarded and failed to discharge his duties as a Commander of armed forces at war, to control the conduct of the members of his Command, who by they committed brutal atrocities and other high crimes against people of the Commonwealth of Australia and its Allies.

It will be noticed that while the Accused has been assigned on a single Charge, the Abstract of Evidence discloses three separate Charges. In order to give the Defence representatives adequate time to prepare the case for the Accused, I found it necessary to deliver to them an Abstract of Evidence some time before I received the Order for Assembly of this Court. I, therefore, had no option but to anticipate the charge as best I could, so I entitled the three charges appearing in the Abstract. At the time the documents were delivered to the Japanese Legal Section, I told Mr. Nishimura about this and explained to him that the final form of the charge would not be definitely known until the Order for Assembly arrived.

There is only one question of real importance arising out of that, and that is, "Has the accused been prejudiced, in any way, in his defense?" Now, the charge preferred against the Accused by the convening authority is a broad one, and covers all the matters alleged in the three separate charges in the Abstract of Evidence. It may be argued that it is even wider and may cover more matters than may appear in those charges. Even if that is so, the question is merely academic, because the Prosecution is, in fact, calling on the Accused to answer only matters alleged in the Abstract of Evidence, and will rely only on the evidence listed in that Abstract. Even though the charge is worded differently, the Accused has to answer the same case - he wins or he loses. For these reasons it is submitted that the Accused is not in any way prejudiced in his defense by the charge being differently worded.

The charge is laid in pursuance of the provisions of the War Crimes Act 1945, and discloses a war crime. A violation of the laws and usages of war is a war crime within the definition of that Act. Now, by a well-settled principle of International Law, a Commander of armed forces at war has a legal duty to control the conduct of the members of his command. If he fails to discharge that duty, and if, as a result of such failure, members of his command commit war crimes, then he himself is guilty of a war crime, that is to say, a violation of the laws and usages of war.

The words "brutal atrocities and other high crimes" appearing in the charge, were used in the charge against General YAMASHITA, and this charge was upheld by the Supreme Court of the United States of America. I submit that those words mean war crimes of a serious nature. The Prosecution will tender evidence to prove that subordinates of the Accused murdered a large number of Australian and British Prisoners of War, and inflicted on many others ill-treatment so severe that many died as a result. I submit that these are war crimes of an extremely serious nature and that, if proved, they constitute brutal atrocities and other high crimes.

The Prosecution will prove that the war crimes alleged were committed against Australian and British Prisoners of War.

and so against people of the Commonwealth of Australia and its Allies.

The charge specifies that the alleged failure of duty on the part of the Accused took place between December 1944 and September 1945. The Prosecution will prove by evidence that the Accused was responsible for the command of 37 Japanese Army in December 1944, that he assumed effective command on 21 January 1945, that he held that command continuously until the cessation of hostilities, and that all the matters alleged against him occurred after 21 January 1945 and before September 1945.

The charge specifies further that the alleged war crime was committed in SANDAKAN, a place beyond the limits of the Commonwealth of Australia and its Dependencies. Now, Australian and British Prisoners of War Act, 1945, Section 12, British Subjects, and Section 12 of the War Crimes Act 1945 provided that a Military Court constituted in accordance with its provisions may try persons charged with a war crime against a British Subject even though the crime is alleged to have been committed beyond the limits of the Commonwealth. This is admittedly legislation designed to operate beyond the territorial limits of the Commonwealth. The Statute of Westminster, however, passed by the Imperial Parliament in 1931, and adopted by the Parliament of the Commonwealth of Australia in 1942, confers on the Parliament of the Commonwealth power to pass legislation having extra-territorial operation, and this Court is bound to take judicial notice of the laws of England and Australia.

The charge further specifies that armed forces of Japan were at war with the Commonwealth of Australia and its Allies. I submit that it is not necessary for the Prosecution to prove this by evidence. The Court is entitled to take judicial notice of the fact that during the period specified in the charge Japan was at war with the Commonwealth of Australia and its Allies.

For all the foregoing reasons, I submit that the charge is properly brought and that this Court has jurisdiction to try the Accused on this charge.

The Prosecution has the burden and will prove -  
 That on 1st December 1944 the Accused assumed command of 37 Army, which was composed of 300 Australian and British Prisoners of War at SANDAKAN.  
 That as a result of starvation, lack of shelter and low rations their health was bad.  
 That the Accused did not endeavour to know of the condition of the Prisoners.  
 That in January 1945, the Accused, by order, he ordered Capt. TANI to take the Prisoners of War from SANDAKAN to KUBUK, which was a long and arduous journey to RAVAU.  
 That the order should have been carried out quickly. The Prisoners were crowded and the order for speed greatly increased the suffering and responsibility for what happened.  
 That at the end of January a party of 170 Prisoners of War, including 100 Australians and 120 British, were taken to RAVAU.  
 That the distance from SANDAKAN to RAVAU is 160 miles and the track is very rough and difficult.  
 That as a result of the difficulty of the track, Prisoners were subjected to severe hardships, many of them dying.

GB

That during the march subordinates of the Accused severely ill-treated Prisoners of War.

That during the march subordinates of the Accused shot a number of Prisoners of War upon the orders of Capt YAMAMOTO, the officer who had received orders for the march directly from the Accused.

That in May 1945 the Accused issued orders that the Prisoners of War at SANDAKAN be moved to RANAU.

That about the end of May 1945 approximately 540 Australian and British Prisoners of War, most of them in bad health, set out from SANDAKAN to march to RANAU.

That hardships, ill-treatments, deaths and shootings occurred much as they had happened during the earlier march.

That towards the end of June 1945 approximately 163 prisoners reached RANAU.

That during the following month they suffered severe hardships, and, on 1 August 1945, only 93 survived at RANAU.

That on 1 August 1945 Capt TANAKURA, an officer under Accused's command, ordered that these survivors be killed, and that his orders were duly carried out.

The Prosecution undertakes to prove by evidence each and every one of the points just enumerated.

There is evidence that the Accused must have known of the condition of the prisoners and the nature of the country, and that he selected the subordinate officers to carry out the marches. There must be a strong presumption that he, as army commander, knew what happened on the first march, but despite that, he ordered the second march. The Prosecution, therefore, contends that the Accused must be held criminally responsible for every hardship, every ill-treatment, and every death, whether from illness or shooting, which occurred during the two marches and at RANAU after the completion of the marches.

The Judge Advocate will, no doubt, advise the Court on this point at a later stage, but I feel it my duty to point out now that the only matters for which the Accused is held responsible are those occurring after 21 January 1945. Some of the documents which will be tendered contain references to matters prior to that date. The Court may consider these as evidence which may help it to decide what was the condition of the Prisoners of War when the Accused assumed command, but on the question of the Accused's responsibility, it must rigorously exclude from its consideration anything which occurred prior to 21 January 1945.

The evidence which the Prosecution will tender is voluminous. Most of the documents are relevant to two or more of the points, which the Prosecution has undertaken to prove. For that reason, I shall not at this stage give any outline of the actual evidence but shall, as I tender each document, state briefly to the Court the nature of the document and the matters which the Prosecution relies on it to prove.

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Judge Advocate: Is the Defence ready to proceed with the case in view of the alteration to the Charge ?

Defending Officer: Yes, I am ready to proceed.

Prosecuting Officer: I tender the interrogation of the Accused at HQ SMD on 8 May 47 to prove that the Accused was appointed to command 37 Japanese Army and continued in that command until the cessation of hostilities, and certain other matters.

A" The interrogation of Maj Gen BABA Masao is admitted in evidence, marked Exhibit "A ( )-( )", read, signed by the President and annexed to the Proceedings.

Prosecuting Officer: I tender the interrogation of Capt HOSHIJIMA Susumu dated 24 Sep 45. This document is annexed as Exhibit "H" to the Proceedings of the trial of HOSHIJIMA. I request that in this instance and in all other instances where a document is tendered and forms part of completed proceedings the Court sight the original document, annex a certified copy to the Proceedings, and return the original to me. This document is tendered to prove, amongst other matters, that there were Australian and British Prisoners of war at SANDAKAN, that, at the time the Accused took command of 37 Army the health of prisoners was so bad that they were not fit to undertake a long march, that Army HQ ordered 500 Prisoners of War to go on the first march, even though they were not fit, and that Army HQ ordered the second march after HOSHIJIMA had said that the march was too difficult and would cause many deaths.

B" The document is admitted in evidence, marked Exhibit "B ( )-( )" read, signed by the President and a certified copy annexed to the Proceedings, the original being returned to the Prosecuting Officer.

Prosecuting Officer: I might say, if the Court pleases, that the document just tendered is one containing matters which occurred before 21 Jan 45, and which is tendered to the Court only to show what condition the prisoners may have been in at the time the Accused took command. The Prosecution does not suggest in any way that the Accused can have been responsible for what happened before 21 Jan 45.

I tender a statement by Capt YAMAMOTO Shoichi which is annexed as Exhibit "AD" to the Proceedings of the trial of YAMAMOTO and ten others in connection with the first SANDAKAN-RANAU march. This document is tendered to prove, amongst other matters, that Army HQ ordered YAMAMOTO to march 500 Prisoners of War from SANDAKAN to TOALAN. That the order stated that the march had to be carried out as quickly as possible and that on 29 Jan 45 YAMAMOTO issued his orders for the march, which duly began. That on 31 Jan, Army HQ sent a signal urging haste, that on 1 Feb the destination was changed to RANAU and that YAMAMOTO ordered Capt ABM to dispose of Prisoners of War if necessary for carrying out the march.

C" The document is admitted in evidence, marked Exhibit "C ( )-( )", read, signed by the President and a certified copy annexed to the Proceedings, the original being returned to the Prosecuting Officer.

Prosecuting Officer: I tender the interrogation of Capt YAMAMOTO Shoichi, annexed as Exhibit "J" to the Proceedings of his trial, to prove, amongst other matters, that he received his orders for the march in January 1945, the orders came from Gen BABA, he was very worried about how to get the Prisoners of War to RANAU, that he gave orders to Capt ABM to kill Prisoners of War in certain circumstances and that he gave orders to men of his own Unit that no matter how sick a Prisoner of War was, he had to be brought on.

"D" The interrogation is admitted in evidence, marked Exhibit "D (-) (-)", read, signed by the President and a certified copy annexed to the Proceedings, the original being returned to the Prosecuting Officer.

At 1030 hrs the Court adjourns.  
At 1047 hrs the Court resumes, the same President, Members and Judge Advocate being present.

Prosecuting Officer: I tender the interrogation of Capt YAMAMOTO Shoichi, annexed as Exhibit "G" to the proceedings of his trial, to prove, amongst other matters, that in January 1945 he received orders direct from Gen BABA to march Prisoners of War to TUARIN, which is apparently the same place as TOALIN - referred to in YAMAMOTO's statement to the Court. TOALIN was stated to be 35 kilometres from JESSELTON and TUARIN 23 miles. That the Prisoners of War were to carry ammunition and equipment, that YAMAMOTO knew they were unfit for the work, that he did not have time to equip the Prisoners of War, that he knew it was wrong to make them march in the condition they were then in and that some Prisoners of War died and some were shot.

"E" The interrogation is admitted in evidence, marked Exhibit "E (-) (-)", read, signed by the President and a certified copy annexed to the Proceedings, the original being returned to the Prosecuting Officer.

Prosecuting Officer: I now tender the evidence of W.C. W.H. STIPCEWITCH given at the trial of Capt YAMAMOTO Shoichi and others and contained in sheets 4 to 9 of the proceedings of the trial. This witness was present when the parties left on the first march, he took part in the second march and gained a good deal of information about the first march. His evidence is tendered to prove, amongst other matters, that 470 Prisoners of War, about 120 being British and the rest Australians, were concerned in the first march, that they were in a very bad state of health and only about 40 were even reasonably fit, that they were badly clothed and on short rations, that when witness reached RANAU on 26 Jun 45 (after the second march) there were only six survivors of the first march at RANAU, that the track along which the marches took place was very difficult, that on the second march Prisoners of War suffered severe hardships and heavy losses, that on the second march only 153 reached RANAU alive, that on 17 July there were only 76 alive, that Prisoners of War were ill-treated on the first march and that the distance from SANDAKAN to RANAU is 164 or 165 miles.

"F" The document is admitted in evidence, marked Exhibit "F (-) (-)", read, signed by the President and a certified copy annexed to the Proceedings, the original being returned to the Prosecuting Officer.

Prosecuting Officer: I tender the evidence of KNITH BUTTERILL given at the trial of Capt YAMAMOTO and others and contained in Sheets 12, 13 and 14 of the Proceedings of the trial, to prove, amongst other matters, that during the first march Prisoners of War were kept very short of rations and compelled to carry heavy loads, that they suffered severe hardships, that many Prisoners of War were shot, that during and after the march there were a great many deaths.

"G" The document is admitted in evidence, marked Exhibit "G (-) (-)", read, signed by the President, and a certified copy is annexed to the Proceedings, the original being returned to the Prosecuting Officer.

At 1145 hrs the Court adjourns.

At 1200 hrs the Court resumes, the same President, Members and Judge Advocate being present.

Prosecuting Officer: I now tender the evidence given by Capt YAMAMOTO at the trial of himself and others contained in Sheets 22-31 inclusive of the Proceedings of the trial, to prove, amongst other matters, That Army Headquarters laid down a Schedule for the first march and That YAMAMOTO gave orders to ABE to dispose of Prisoners of War in certain circumstances.

"E" The document is admitted in evidence, marked Exhibit "H (c)-(d)", read, signed by the President, and a certified copy is annexed to the Proceedings, the original being returned to the Prosecuting Officer.

The Court: Major Dick, is there any map available for the information of the Court?

Prosecuting Officer: I have not tendered one in evidence. I was relying on the description of the witnesses but, as Exhibit "C", not to these Proceedings, but the Proceedings against Capt YAMAMOTO, there is a sketch map attached. I made endeavours through every branch of this Headquarters to get a map of BOMBO but was unsuccessful. The only thing that I can offer to the Court is this sketch, and in order to put it in now I will require the consent of the Defence representatives because it was not included in the Abstract, and I will have copies made for the Court.

(The map is shown to the Court).

(The map is shown to Defence Officer).

The Court: Counsel for the Defence, have you any objection to that being tendered now for the information of the Court?

Defence Officer: No.

Prosecuting Officer: In those circumstances I tender that in evidence and will have copies made to be annexed to the Proceedings in the Court.

The Court to Prosecuting Officer: How does this involve your Proceedings from now on - having tendered this document?

Prosecuting Officer: In what way?

The Court: The document as a whole.

Prosecuting Officer: I tender this now and it can be returned while a copy is made to be annexed to the Proceedings.

"F" The document is admitted in evidence, marked Exhibit "J", signed by the President, and a certified copy is annexed to the Proceedings, the original being returned to the Prosecuting Officer.

At 1240 hrs the Court adjourns.



At 1400 hrs the Court resumes, the same President, Members and Judge Advocate being present.

Prosecuting Officer: If it please the Court, in addition to the sketch map which I had tendered just before the luncheon adjournment, which is Exhibit "C" to the proceedings against Capt YAMAMOTO, I also tender a sketch showing the names of the places on the actual route between SANDAKAN and RANAU which is Exhibit "Aq" to the proceedings against Capt YAMAMOTO.

"K" The document is admitted in evidence, marked Exhibit "K", signed by the President and a certified copy is annexed to the Proceedings, the original being returned to the Prosecuting Officer.

Prosecuting Officer: I now tender the evidence given by Capt IINO Shigeru at the trial of Capt YAMAMOTO, Capt IINO and others, contained in sheets 32 - 36 inclusive of the proceedings of that trial to prove that 37 Army HQ issued the orders for the first march, and other matters.

"L" The document is admitted in evidence, marked Exhibit "L (-)-(-)", read, signed by the President and a certified copy is annexed to the Proceedings, the original being returned to the Prosecuting Officer.

Prosecuting Officer: I tender the statement of Capt MIZUTO Kyuichi, annexed as Exhibit "AT" to the proceedings of the trial of Capt YAMAMOTO and others to prove, amongst other matters, that the Prisoners of War were unfit to undertake the march in January and that hardships and deaths occurred during the march.

"M" The document is admitted in evidence, marked Exhibit "M (-)-(-)", read, signed by the President and a certified copy is annexed to the Proceedings, the original being returned to the Prosecuting Officer.

Prosecuting Officer: I tender the evidence of Col TAKAYAMA Hikoichi given at the trial of Capt HOSHIJIMA Susumu contained in sheets 97 - 102 inclusive of the proceedings of the trial to prove, amongst other matters, that, in April 1945 he inspected the SANDAKAN Prisoner of War camp, that Capt HOSHIJIMA told him that it would be difficult to march Prisoners of War to RANAU and that the Accused made the decision to carry out the second march to RANAU.

"N" The document is admitted in evidence, marked Exhibit "N (-)-(-)", read, signed by the President and a certified copy is annexed to the Proceedings, the original being returned to the Prosecuting Officer.

Prosecuting Officer: I now tender the evidence of Col TAKAYAMA Hikoichi and Lt Col IWANAMI Manabu given at the trial of Capt TAKAKURA Takuo and contained in Sheets 30-33 inclusive of the Proceedings of the trial. In these proceedings the evidence of a witness frequently begins on the same sheet as that on which the evidence of the previous witness finished. That is so in this particular case, and the photostat copy is made up as a single document. Both the witnesses were staff officers on 37 Army HQ and their evidence is similar in character. In these circumstances, I ask the Court to accept these two statements as a single exhibit.

L.

Prosecuting Officer: (Contd). The evidence is tendered to prove that 37 Army HQ had information of the bad health of prisoners of War at SANDAKAN, particularly Capt TAKAKUMA's advice that if Prisoners of War were marched to RAHAY only one-fifth would survive, and that in spite of all this, the Accused still gave the order for the second march.

"C" The document is admitted in evidence, marked Exhibit "C (1)-(10)", read, signed by the President, and a certified copy is annexed to the Proceedings, the original being returned to the Prosecuting Officer.

Prosecuting Officer: For reasons similar to those advanced in the case of the last preceding exhibit, I ask the Court's leave to tender as a single exhibit the evidence of Capt TAKAKUMA Takuo and Capt WATANABE Genzo, given at their joint trial and contained in Sheets 8-16 inclusive, of the Proceedings of the trial. Here again the evidence of the two witnesses is similar in character, and is tendered to prove the condition of the Prisoners prior to the second march, the information supplied to Army HQ, the orders from Army HQ, the hardships of the march, the shootings and deaths from other causes during the march, the deaths amongst the survivors during the month after the march, and the killing of the 33 survivors on 1 August 1945. I notice that in the Abstract the document is listed only under the title of TAKAKUMA, the first of the witnesses whose evidence appears in the document, and that Capt WATANABE's evidence was not listed separately. The Defence representatives, however, were supplied with a complete document containing a copy of both witness' evidence, and they now state that they have read the document and fully expect both sets of evidence to be tendered.

"D" The document is admitted in evidence, marked Exhibit "D (1)-(10)", read, signed by the President, and a certified copy is annexed to the Proceedings, the original being returned to the Prosecuting Officer.

At 1505 hrs the Court adjourns.

At 1515 hrs the Court resumes, the same President, Members and Judge Advocate being present.

(Prosecuting Officer continues reading Exhibit "F")

Prosecuting Officer: I tender the statement of Capt TAKAKUMA Takuo, annexed as Exhibit "I" to the Proceedings of his trial, to prove, amongst other matters, that 37 Army was fully aware of the condition of the Prisoners of War. That 37 Army's orders stated that it did not matter if Prisoners of War died while on their allotted task.

"E" The document is admitted in evidence, marked Exhibit "E (1)-(10)", read, signed by the President, and a certified copy is annexed to the Proceedings, the original being returned to the Prosecuting Officer.

Prosecuting Officer: I tender a statement by Lt WATANABE Genzo, annexed as Exhibit "F" to the Proceedings of the trial of TAKAKUMA and WATANABE, to prove, amongst other matters, that 33 prisoners of War were shot at RAHAY on 1 August 1945.

"F" The document is admitted in evidence, marked Exhibit "F (1)-(10)", read, signed by the President, and a certified copy is annexed to the Proceedings, the original being returned to the Prosecuting Officer.

*RB*  
Prosecuting Officer: I tender an extract from the interrogation of Lt WATANABE Genzo annexed as Exhibit "H" to the proceedings of the trial of TAKAKUWA and WATANABE to prove, amongst other matters, that during the second march sick Prisoners of War were shot.

*RB* "S"  
The document is admitted in evidence, marked Exhibit "S (1)-(2)", read, signed by the President and a certified copy is annexed to the Proceedings the original being returned to the Prosecuting Officer.

Prosecuting Officer: I tender a statement by Sgt OKADA Toshiharu, annexed as Exhibit "W" to the proceedings of the trial of TAKAKUWA and WATANABE, to prove that at RANAU on 1 Aug 45, Prisoners of War were shot.

*RB* "T"  
The document is admitted in evidence, marked Exhibit "T (1)-(2)", read, signed by the President and a certified copy is annexed to the Proceedings, the original being returned to the Prosecuting Officer.

Prosecuting Officer: I tender a statement by Pomoosan HIROTA Ginjiro annexed as Exhibit "X" to the proceedings of the trial of TAKAKUWA and WATANABE to prove, amongst other matters, that on 1 Aug 45 at RANAU, Prisoners of War were shot. I think that the list of Japanese names may be taken as read if the Defence will agree.

The Court: The reading of the list of names may be omitted if the Defending Officer agrees.

Defending Officer: I agree.

*RB*  
The document is admitted in evidence, marked Exhibit "U" (1)-(2)", read, signed by the President and a certified copy is annexed to the Proceedings, the original being returned to the Prosecuting Officer.

THE CASE FOR THE PROSECUTION IS CLOSED.

Defending Officer: I will have to ask the Court for an adjournment until next Monday so as to have more time to change the statements and addresses and make other preparations on the grounds that the charge has been altered and is different from that shown in the Abstract. I am making this request with the Prosecution's consent.

The Court: I would prefer not to grant an adjournment until Monday definitely. If you are ready to proceed before Monday the Court will sit.

Defending Officer: Yes.

The Court: I will adjourn the Court indefinitely and I ask the Defending Officer to let me know when he is ready to proceed.

At 1630 hrs the Court adjourns until a day to be fixed.



At 0900 hrs on 2 Jun 47 the Court resumes, the same President, Members and Judge Advocates being present.

R.F. 40 (A) is complied with.

The Accused elects to give evidence on oath, but does not intend to call any other witnesses on his behalf.

DEFENDING OFFICER ADDRESSING THE COURT:

If the Court please, in this case the Accused is the sole witness whom the Defence propose to call. We will give evidence on oath before the Court. Most of his evidence will be produced in the documentary form. The Defence has no intention of tendering any other documentary evidence. Now I call the Accused into the witness box.

FIRST WITNESS FOR THE DEFENCE: HARA MAMORU.

Chief Prosecutor:

Q. What is your name?  
A. HARA MAMORU.

Q. What is your position?  
A. Lieutenant.

Witness is asked to read according to the Buddhist rite.

Q. Are you sworn by that rite?  
A. Yes.

EXAMINED BY DEFENDING OFFICER:

Q. What is your rank, name and unit?  
A. I am OGC of 97 Army, Lt-Col HARA MAMORU.

(Witness is shown document written in Japanese).

Q. Is that your signature appearing at the bottom of that state-  
ment?  
A. Yes.

Q. Did you read it over before you signed it?  
A. Yes.

Q. Are you satisfied with the contents?  
A. Yes.

(Witness is shown document written in English).

Q. Is that your signature appearing at the bottom of that state-  
ment?  
A. Yes.

Q. Was this document read over to you in your own language be-  
fore you signed it?  
A. Yes.

Q. Are you satisfied with that translation?  
A. Yes, I am.

Defending Officer: Now I tender in evidence the statement writ-  
ten in Japanese with the English translation.

The statement of the Accused in Japanese, together with the Eng-  
lish translation, are admitted in evidence, marked Exhibit "1(a)-  
(a)" read, signed by the President, and annexed to the accusa-  
tions.

Defending Officer: Who was the deputy officer of the OGC before  
you became effective command?

A. Gen. TAMURA.

Q. After your arrival in HONKAI, did you ever go to any place  
on official business?  
A. Yes.

Q. Where did you go?  
A. HONKAI and HONTO.

Q. When, and how long?

A. I visited these places for about a week, two or three days after my arrival in BORNEO.

Q. What for?

A. To draft out the new operational plans for the expected operations.

Q. What was the strength of the Japanese 37 Army in BORNEO?

A. Approximately 15,000.

Q. What was its quality like?

A. They were of poor quality.

Q. What about its organization?

A. There were twelve Infantry Battalions and no Artillery, and as to the communication and Commissary Units, Hospital and Supply Depots, all of them were imperfect.

Q. Could you, as the GOC Army perfectly fulfil your duties with such organization?

A. No, it was quite impossible for me to perform my duties.

Q. I will repeat my question. Could you perfectly fulfil your duties?

A. No, I could not.

Q. Why not?

A. The reasons for this was because there were defects in the organization of my unit, and also the strength of my units could not be displayed when the enemy attacked, because of insufficiency of communication facilities.

Q. What was the course or the movement of the units in the East Coast of NORTH BORNEO to the West Coast?

A. From TAWAU to SANDAKAN and RANAU.



Q. In or about May 1945, was there any ship to be made available in the waterways through the River LABUK?

A. Yes, there were some.

Q. There were these ships?

A. The barge engineers had 10 barges, and the NAMI Unit had quite a number of small boats. The barge engineers had its barges at these three places - DABEL, SEGAMA River and KINARATAN River, and the NAMI Unit had its small boats at SANDAKAN and the LABUK River.

Q. According to the investigation of the waterway through the River LABUK, what was it like?

A. It was possible for a boat to go up as far as BOTO, but whenever the situation was best, a boat could go up as far as TAMPIAS.

Q. Did you ever issue any instructions as to how to deal with the Prisoner of War Camp in case SANDAKAN should be attacked by the enemy?

A. I previously instructed them to contact with the Army HQ immediately.

Q. Where was the electric power station at SANDAKAN?

A. It was in a place adjoining to the sawmill, near the beach of SANDAKAN.

Q. Is there any signal station inside the Prisoner of War Camp at SANDAKAN?

A. No.

Q. How far is it from the Prisoner of War camp to the signal station?

A. Approximately 10 miles.

Q. What was the extent of command that you had over the Prisoner of War camps in BORNEO?

A. I had only the power to conduct their garrison and food supplies.

Judge Advocate to Court Interpreter: Capt SUZUKI, would you repeat that please?

A. I had only the power to conduct their garrison and guard, and their food supplies.

THE CASE FOR THE DEFENCE IS CLOSED.

NO CROSS-EXAMINATION.

At 0955 hrs the Court adjourns.

At 1010 hrs the Court resumes, the same President, Members and Judge Advocate being present.

NO QUESTIONS BY THE COURT

QUESTIONS BY THE JUDGE ADVOCATE:

- Q. When you took up your command in Borneo, did you ascertain the conditions of the Prisoners of War at SANDAKAN ?  
A. Yes.
- Q. And you knew what the conditions of the Prisoners were did you ?  
A. Yes.
- Q. When your Chief of Staff, Col TAKAYAMA, visited SANDAKAN in April, did you get him to ascertain and report on the conditions of the Prisoners?  
A. He is not the Chief of Staff, he is a Senior Staff.
- Q. A Senior Staff Officer?  
A. Yes.
- Q. Did you obtain a report from him?  
A. Yes, I did.

At 1014 hrs the Court adjourns.

At 1030 hrs the Court resumes, the same President, Members and Judge Advocate being present.

His evidence is read back to the Witness who does not desire to correct same.

THE CASE FOR THE DEFENSE, IF ANY

At 1025 hrs the Court resumes, the same President, Members and Judge Advocate being present.

The Prosecuting Officer Addresses the Court:

May it please the Court.

When I opened the case against the Accused I enumerated the matters which the Prosecution undertook to prove. I presented these in some detail, and tendered detailed evidence to substantiate each and every one of them beyond reasonable doubt.

I now submit that these matters may be looked at from a more general point of view and they resolve themselves into a few broad issues which the Court must decide on the evidence:-

On and after 21 Jan 45, were there Australian and British Prisoners of War at SANDAKAN and if so, was their health and equipment bad?

Had the Accused knowledge of this?

Did the Accused order the January march to RANAU?

Did the Accused order the May march to RANAU?

Did members of the Accused's command commit war crimes against Prisoners of War during these marches and at RANAU?

Is the Accused personally criminally responsible for those war crimes?

As to quantity, I suggest that there is a lot of evidence against the Accused on every issue. As to quality, I submit that all the evidence is very good and worthy to be given great weight. The only two victims whose evidence is tendered told their stories very simply, without dramatic flourishes, giving credit to those Japanese who treated them well. This sort of evidence is very convincing. The rest of the Prosecution's evidence is provided by members of the Accused's command - two high-ranking officers of his staff, three Captains exercising responsible commands, and a number of junior officers and other ranks. There are discrepancies as to dates and details, but that is natural. I will go further and say that if there were no discrepancies I would be very suspicious of the evidence.

On the first issue the Court has before it the evidence of WO 1 Stigewitch, Pte Botterill, Capt HOSHIJIMA, Capt YAMAMOTO, Capt TAKAKUWA, Col TAKAYAMA and Lt Col IWAHASHI. This evidence, I submit, proves clearly that there were Australian and British Prisoners of War at SANDAKAN, that after nearly three years of ill-treatment and inadequate rations they were, on and after 21 Jan 45, in a bad state of health and quite unfit to undertake a severe march over difficult country, and that they were not clothed or equipped adequately for such a march.

On the second issue the Court has before it, the evidence of Col TAKAYAMA, Lt Col IWAHASHI, Capt HOSHIJIMA, Capt YAMAMOTO and Capt TAKAKUWA. This evidence does not prove that the Accused was ever personally informed of these matters, but the Accused, when questioned by the Judge Advocate admitted that he was fully informed of the conditions of the Prisoners of War at SANDAKAN.

In the case of the third issue, the Prosecution has not proved that the Accused originated the order for the January march, but this is of no importance. Even if the Accused's predecessor originated it, there can be no doubt that ~~is~~ the Accused's ~~is~~ issued the order to his subordinates and saw that it was put in operation. This is admitted by the Accused.

So far as the fourth issue is concerned, the Accused has admitted issuing the order.



On the issue of whether or not members of the Accused's command committed war crimes against Prisoners of War there is a great deal of evidence, which, I submit, proves beyond reasonable doubt, that during both marches Prisoners of War were ill-treated, that many died as a result of such ill-treatment or as a result of being forced to march when unfit to do so, that many were shot, that a large number died at RANAU, and that no fewer than 33 survivors were shot on 1 Aug 45. The evidence on these points is of the highest quality - that of eye-witnesses and men who actually participated in the war crimes described. These latter had nothing to gain by giving this evidence and everything to gain by suppressing it. The fact that it is given by them against their own interests renders it very weighty indeed. The Accused himself admits the war crimes were committed by members of his command. If the Court finds against the Accused on the matters I have mentioned it must proceed to the ultimate issue - is the Accused personally criminally responsible. It is a well-settled rule of International Law that a Commander of Armed Forces at war has a duty to control the conduct of the members of his command, and that if he deliberately, or through culpable negligence, fails to discharge that duty, and as a result of such failure members of his command commit war crimes, he is guilty of a violation of the Laws and Usages of War. X

In this case the Accused had an undoubted duty to ensure that Prisoners of War were treated in accordance with the requirements of International Law. Whether or not the Prisoners of War camp was part of his command is immaterial. Col TAKAYAMA says it was not, but that 37 Army could give orders on certain things. The Accused says his powers of command were limited, but questions of what he had power to do and what he did not have power to do are not material to this issue. The real issue is what he in fact did do. The fact that the Accused actually did give the orders renders merely academic any argument about his legal right to give them. Now Prisoners of War are not in the hands of any individual Commander or Force but in those of the state which captures them. No individual commander has any right to do what he likes with Prisoners of War who may for the time being be in his control. He has a positive legal duty to ensure that all members of his Command treat them according to law. In view of the evidence tendered by the Prosecution I submit that it has been proved beyond any possible doubt that the Accused failed to discharge that duty.

In these circumstances the only defence open to him is that the failure resulted from circumstances beyond his control or from a mere inadvertence not amounting to culpable neglect. I submit that in view of the evidence such a defence is impossible.

If his failure resulted from culpable neglect, then the guilty mind - always an essential element in a criminal charge - has been proved, and the Accused is guilty of the charge. The Prosecution places the guilt of the Accused on a much higher plane. It contends that the Accused wilfully failed to discharge his duty, and that this wilfulness is clear from the evidence.

The Prisoners of War were at SANDAKAN in an organized camp whose Commandant was in communication through normal channels with the Accused's HQ. I do not propose to argue whether or not the Accused was guilty of any crime in ordering Prisoners to march from one place to another. I merely say that before giving any such order he had certain positive duties to perform. It was his duty to satisfy himself that they were fit physically to undertake the march and that they were adequately clothed and otherwise equipped for the purpose. The Court has before it ample evidence of the actual condition of the Prisoners, and the Accused had every facility for informing himself on this point.

The Accused has admitted that he was aware of the conditions of the Prisoners of War and still sent them on the march. This admission places his guilt beyond doubt.

It was his duty, before ordering such a big movement, to make a reconnaissance. The Court has before it graphic evidence of the nature of the country over which the march took place. If he made a reconnaissance and still ordered the march he is guilty. He has admitted making a reconnaissance.

It was his duty to make adequate arrangements to ensure that the Prisoners made the journey without harm to themselves. The fact that so many left SANDAKAN and so few reached RANAU is irresistible evidence of his failure to discharge this duty.

It was his duty to inform himself of all details relating to the first march. If he did so and still ordered the second march his guilt is beyond question. In his statement to the Court the Accused admits having been fully informed of the losses on the first march. Whatever excuse may be made for the Accused in the case of the first march, his ordering the second march after the disastrous events of the first indicates in the highest degree a definite criminal intent.

It was his duty, in the case of both marches, to ensure that on reaching RANAU Prisoners were properly cared for. The evidence of WOL Stipcewich shows that at the end of June there were only six survivors of the first march. The evidence of various Japanese proves that although 183 reached RANAU at the end of June there were only 33 survivors on 1 August. These facts speak for themselves.

The Prosecution contends that far from controlling the conduct of his subordinates the Accused put them in a position where it was virtually impossible for them to carry out his orders without committing some war crimes against Prisoners of War. YAMAMOTO's evidence shows that the order to him stated that the march had to be carried out quickly and that Army Headquarters laid down a very fast schedule. If YAMAMOTO had merely driven these sick and ill-clothed Prisoners over the route without any beatings or shootings he would still have committed the war-crime known as ill-treatment of Prisoners of War. If any had died as a result of such driving, YAMAMOTO would still have been guilty of the war-crime known as murder. The beatings and shootings were merely natural consequences of the Accused's orders and although he did not specifically order them, his guilt is as great as it would have been if he had ordered them.

A similar argument applies in TAKAKUWA's case. He had to take 540 Prisoners, most of them very sick, over this route. On the second sheet of his evidence IWAHASHI states that the Chief of Staff ordered that the men had to go irrespective of their condition. TAKAKUWA gave a message that only one fifth would survive. IWAHASHI and the Accused state that Army Headquarters replied "Send only the healthy ones to RANAU", but TAKAKUWA states in evidence on sheet 14 of the proceedings of his trial that he did not receive the message. I suggest that TAKAKUWA is to be believed. The fact that the earlier message included the words "irrespective of their condition" indicates knowledge at Army Headquarters of the condition of the Prisoners, and it indicates a settled policy. It is unlikely that the policy would be changed simply because TAKAKUWA told Army Headquarters something it already knew.

The Accused has admitted that he was aware of the conditions of the Prisoners of War and still sent them on the march. This admission places his guilt beyond doubt.

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If TAKAKUWA had never beaten or shot a prisoner, he would, by merely carrying out BABA's orders, have still been guilty of war crimes. The mere act of forcing sick men to march was ill-treatment. In the case of every man who died as a result, he was guilty of murder. The shootings and beatings in this case also were merely a natural consequence of the order. In his evidence, on the lower half of Sheet 11 of the Proceedings of his trial, TAKAKUWA pleaded a kind of military necessity for the killings he ordered, and that alleged military necessity arose only as a result of BABA's orders.

In his evidence just referred to, at Sheet 13, TAKAKUWA made a similar plea of a sort of military necessity for the shooting of the 33 survivors on 1 Aug 45 :-

Q. Was not your reason for killing the 33 Prisoners of War on 1 Aug because they were too weak and too ill to be of use to the Japanese?

A. Those were not the only reasons. The biggest reason was because the Prisoners of War might attempt to escape, also there was a shortage of food, and they could not transport rice or carry weapons for the KANNO Unit.

I submit that the Accused must be held criminally responsible for this crime of his subordinate officers.

It is possible, though difficult, to make some excuse for YAMAMOTO and TAKAKUWA, but it is impossible to make any for the Accused, who placed them in a predicament where, in their judgment, they felt it necessary to commit a series of very grave war crimes.

The principal evidence implicating BABA is supplied by Japanese witnesses. At first sight it might seem that this amounts to pleading superior orders and sheltering behind the Accused. But an examination of the evidence shows that this is not so. The staff officers, TAKAYAMA and IWAKASHI, whose evidence weighs very heavily against the Accused, were not on trial at all. They were merely witnesses, and I can think of no motive to induce them to implicate BABA unnecessarily. The others were on trial for murder and massacre, and had they wished to shelter themselves at the expense of the Accused, they would have pleaded superior orders in those matters. On the contrary, however, they specifically stated that they committed these crimes entirely on their own initiative and denied having superior orders. The fact that they denied superior orders in the matters which most closely concerned them, suggests very strongly that those portions of their evidence which in fact directly implicate the Accused, may be believed.

The defence consists firstly of an admission of most of the important matters alleged by the Prosecution, and secondly, of an apology.

The Accused admits that he reconnoitred the route and satisfied himself that it was suitable for the purpose. The evidence of the Australian and Japanese witnesses tendered by the Prosecution, proves clearly the extreme difficulty and unsuitability of the route. The fact that the Accused did make a reconnaissance places his guilt on a higher plane.

He admits ordering the first march, and later learning of the heavy loss. He admits that, in spite of these losses, he ordered the second march, stating that he gave orders with a view to preventing a recurrence of those losses. Whether or not he gave those orders is quite immaterial. The undisputed fact is that the second march was even more disastrous than the first. He is being charged in respect of what happened as a result of his orders.

He admits that his subordinates committed atrocities, and says he is sorry. The Prosecution has proved beyond doubt that the Accused himself put those subordinates in a position where they had to commit war crimes if they were to carry out their orders. The Accused's regret is not an answer to the charge against him.

Those parts of the Accused's evidence relating to military operations are interesting, but they have no bearing at all on the matters in issue - war crimes committed against Australian and British Prisoners of War.

It is the duty of the Prosecution to be fair to the Accused. He has been given every possible facility for making his defence, but I submit that he has not answered the case against him. I submit that he is personally criminally responsible for a series of war crimes which resulted in the deaths of approximately 1000 Australian and British Prisoners of War, and that he is guilty of the charge.



DEFENDING OFFICER ADDRESSES THE COURT:

If the Court please, the fact that during and after the two marches from SANDAKAN to RANAU in BORNEO, a number of Australian and British Prisoners of War fell in their unfortunate fates is so serious an incident that Mr. KERNAN, the Chief Counsel for the Prosecution, described it as the world-wide atrocities together with the "Death March" in BATAAN Peninsula, in his opening address on 4 Jun 46 before the International Military Tribunal, Far East.

I can deeply feel and fully understand that these atrocities, as well as the tragedy in the course of the construction of the BURU-SIANGSE Railway, must have been retained at the bottom of minds of Australian and British people with so sad impressions that could never be wiped out.

Therefore, I must deeply reflect on myself as to what I ought to plead in favour of the Accused in the face of these drastic facts. I am now imagining in my mind with deep sympathy their figures and feelings with which, about this time just two years ago, about 850 Australian and British Prisoners of War, who had been made to start in confusion, out of a state of panic caused by the battles at SANDAKAN, marched, plodding on the road along the river LABUK, for RANAU, hearing near their ears the bombings of their friendly forces.

And at the same time I am imagining the painful mind of Lt Gen BABA, who was watching severe bombardments against the coast of the BRUNEI Bay, being unable to know if even he tried to know, about the progress of battles at SANDAKAN and feeling the fighting on the West Coast imminent, and worrying himself about the operational dispositions not having been completed in the expected time.

And I can not help sympathizing with these two facts. I think, however, such sentiments of mine must be thrown off, and cool reason and infallible veracity only must guide my address.

And the Accused is ready to disclose the truth of the facts relevant to him, without modification, mistake, and omission in order to receive a fair and proper judgment by the Court.

I believe the veracity included in his individual words which will come out of the mouth of the Accused, standing alone in the box, recollecting the incidents which occurred about this time two years ago, in his purest state of mind, will be a more reliable evidence than any other.

I am prepared to stress the following points in this trial in favour of the Accused, Lt Gen BABA :

1. The orders regarding the first march of Prisoners of War had been issued before the arrival of the Accused as new GOC, 37 Army, at JESSSELTON, BORNEO - that is, on 21 Jan 46.
2. In order to examine the orders regarding the second transfer of Prisoners of War issued by the Accused, I will pay attention to the relation between the contents of the orders and the circumstances at the time when the transfer began; and I will examine to what extent the Accused learned of the results of the first march in order to make preparations for the second transfer and what kind of efforts he made for the purpose of not repeating such disastrous results.
3. In examining the atrocities against Prisoners of War, especially such conducts committed inside the Prisoner of War Camp, it weighs with me to make clear the power of the Accused as GOC 37 Army, over the Prisoner of War Camps.

4. I will examine to what extent the Accused's control ought to have been exerted in the matters regarding these three items, (1), (2), and (3). Especially in the examination of his control, I will examine the peculiarities of the 37th Army, and the course of operations in BORNEO, and their peculiarities, and consider how much these matters gave their influences over the fulfilment of the duties of the Accused as GOC.

Now, I am going hereinafter to express my opinion as to the Charge, according to the classification of the evidence the Prosecution made in the Abstract of evidence, dividing them into three: The orders regarding the first march, the orders regarding the second transfer, and atrocities committed by some members under the Accused. And then I intend to examine the controlling power by the Accused over his subordinates which should be taken into account commonly in each of these three items. For all of these we hope we could receive your fair and proper judgment.

I. With regard to the orders regarding the first march.

A. I must make clear whether or not the motive with which the transfer of the SANDAKAN Prisoner of War Camp to RANAU was decided on is lawful.

That motive is clearly shown by the evidence of IWAHASHI, the staff officer of the 37 Army (Exhibit "O"), and that of the Accused, and it is also clear, these same evidences show, that RANAU possessed all the conditions required for a Prisoner of War Camp. It might, however, require for the present to inquire into the question whether or not there was any other place near SANDAKAN suitable for Prisoner of War Camp. For that purpose, I should like to give some strategical appreciation on the circumstances which would be brought about in case fighting took place in the districts around SANDAKAN.

Suppose the Allied Forces started the landing in SANDAKAN district, the place chosen for their landing point would have been either of the three - the front of the town of SANDAKAN, or the front of the Aerodrome, or the coast on the LABUK Bay, including the mouth of the LABUK River.

If it is not mistaken, I will consider each of them.

It is clear the area between SANDAKAN and BELURAN would become dangerous owing to battles. And the riverside area along the LABUK River, West of BELURAN, would have much fear of having the danger of fighting spread over as well because armed boats could go up the River. On the other hand, the coast on the LABUK Bay, near the mouth of the LABUK River, is a marshy district, and the area along the upper stream becomes gradually mountainous, where, being so poor in natural products, Prisoners of War might fall into difficulties to live on.

Thus, it should be understood that except RANAU, any place which would be suitable to establish Prisoner of War Camp could not be found out in any area near SANDAKAN.

Therefore, I maintain that the motive of the transfer of the Prisoners of War Camp to RANAU had no unlawfulness. I rather submit that the good will shown therein should be recognized.

B. The orders regarding the first march of Prisoners of War were issued on 18 Jan 45, that is, ten days before on 21 Jan 45, when Lt Gen BABA, as new GOC the 37th Army, arrived at JESSSELTON.



Therefore, it is not just to hold him responsible for issuing the orders regarding the first march, as the Prosecution alleged in the opening address.

G. The evidence which the Prosecution tendered give such impression as if there were a fact that after Lt Gen BABA's arrival the Army HQ urged YAMAMOTO to make an expeditious march, showing him an itinerary and changing the destination from RANAU to TOARAN. Lt Gen BABA denies this. Capt YAMAMOTO, OC the first march, states he received the orders to transfer Prisoners of War on about 13 Jan, and the itinerary on 23 Jan. But IINO, his adjutant, gave evidence (Exhibit L) that the itinerary with the original orders was received about the middle of Jan. The two evidences contradict each other. And YAMAMOTO alleges he received a telegram urging an expeditious march on 24 Jan, but IINO made a statement (Exhibit L) inconsistent with YAMAMOTO's evidence as follows:

"The instructions (Army HQ order) was that the YAMAMOTO Unit was to start on the march as soon as possible .... it stated that we were to march to TOARAN within 19 days." That is to say, it means that it was a demand to "start" quickly, but not to "march" quickly. But it cannot be thought of that a higher HQ should issue such unreasonable orders in such an ordinary war situation as, showing an itinerary on 23 Jan, demanded to start on a rapid march on the following day. The question of the itinerary was not at all contended by the accused persons in the LABUAN Trial, but was taken up by them for the first time in the KABAUL Trial.

And YAMAMOTO did not leave SANDAKAN till 29 Jan, despite that he said he received the urging orders on 24 Jan. This proves that the Army HQ did not urge him to march quickly. And at that time the Army HQ had not felt such imminence of the operational situation as it had to require a rapid march, and there is no evidence in which we can find out any war situation which would be a cause for such a rapid march.

Next, I should like to examine YAMAMOTO's statement that the destination of the transfer of the Prisoners of War was altered by the Army HQ from TOARAN to RANAU.

In his statement the Prosecution produced (Exhibit "D"), YAMAMOTO makes such inconsistent statement as follows:

"-----I received orders from 37 Army HQ that a number of Prisoners of War were to be moved from SANDAKAN towards TOARAN".

Despite his saying so, he stated just a little thereafter:

"I was very worried as to how to get the Prisoners of War to RANAU".

This seems to be his unjust fabrication having been exposed in his careless statement.

I believe the Army HQ from the beginning had decided on RANAU for the destination to move the Prisoners of War and ordered so, on the following grounds:

1. The first of the reasons for the transfer of the Prisoner of War Camp, as stated above, was to make Prisoners of War evacuate the operational dangerous zone. TOARAN is in the West coast, which would be directly influenced by the landing operations. There is no reason to make the Prisoners of War move to such a dangerous area.

2. There is no evidence produced in which we can find out any



reason for which the Army HQ changed the destination to RANAU on 1 Feb, just after 29 Jan when YAMAMOTO Unit started. I believe the instructions of the Army HQ was that the destination of the march of YAMAMOTO Unit was 'TOARAN' and that of the Prisoners of War 'RANAU', and YAMAMOTO should take the Prisoners of War with him up to RANAU en route to TOARAN. It is an undeniable fact that the Prisoners of War were transferred to RANAU. And also YAMAMOTO answered in his interrogation (Exhibit "E") :

"The purpose of sending these prisoners was to make them carry ammunition and equipment required at JESSELTON."

But he makes an inconsistent statement in his statement (Exhibit

"I was not informed of the Army HQ's intentions and the reasons why we should carry out the disastrous march....".

As a matter of fact, there is no evidence which shows that ammunition was carried by any Prisoner of War whatsoever at TOARAN as well as JESSELTON.

As stated above, the evidence given by YAMAMOTO does not deserve any reliability because of many inconsistencies.

I believe these two questions are all the stories which YAMAMOTO cooked up in order to exonerate them for the reason that they were rushed to march by the Army HQ. And I stress that it is a fact that the Accused, Lt Gen BABA, did not issue such orders that urged to march as quickly as possible.

D. Next I must mention as to whether or not Lt Gen BABA ought to have been aware of the conditions under which the march necessarily would cause the Prisoners of War much pain and suffering. The orders regarding the Prisoners of War's march were issued before his assuming effective command, and the commencement of the march was made after it, and Lt Gen BABA received a report regarding the march of Prisoners of War from the Chief of Staff soon after his arrival. The contents of that report are stated in his statement. He approved of them. I submit he did so because he believed in the report by the Chief of Staff and did not believe that the march should necessarily cause Prisoners of War great pain and suffering. The reported was the Chief of Staff, who held the most important post and responsibility in the Army HQ and the GOC should have believed in him with the greatest credit.

I submit there is neither malice nor negligence on the part of Lt Gen BABA, who had no preparatory knowledge of the things of BORNEO, in believing in the report.

And in the statements of YAMAMOTO (Exhibit "C") and HOSHIMIZIMA, (Exhibit "E") they state that they submitted to the Army HQ their opinions regarding the lessening of the difficulties of the march. It might be true. But Lt Gen BABA did not know of it. If it be true, I submit that they were disposed of by the staff members and not reported to Lt Gen BABA or that they were submitted during Lt Gen BABA's absence from the Army HQ. In fact, Lt Gen BABA was absent after he went out to BRUNAI on 24 Jan.

What Lt Gen BABA took the greatest interest in after his arrival, was a new operation plan. Under the orders of the South General Army, Lt Gen BABA, GOC the 37 Army, was to fundamentally alter the defensive and operational plan in BORNEO.

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It was one of the most important and imminent duties of the GOC to rapidly establish and prepare the operational plan of the main body of the Army which was to be disposed in important areas around the BRUNEI Bay after 300-500 miles march. I submit it can be fully understood why Lt Gen PABA spent about seven days from 24 Jan in inspecting the BEAUFORT-BRUNEI Area.

11. With regard to the orders regarding the 2nd Transfer.

A. As his statement shows, Lt-Gen BABA, by Capt YAMAMOTO's report, was aware of the conditions of the first march of Japanese soldiers and Prisoners of War from SANDAKAN to RANAU which were not so easy as he expected. Then it would be a question: to what extent he was or ought to have been aware of them. The results of this march, contrary to his expectation, were a serious matter to Lt-Gen BABA. The fact that he was not indifferent to the result nor had negligence therein to be charged with can be proved, I submit, by the facts that under Lt-Gen BABA's orders issued after YAMAMOTO's report, the repair of the first line of Communication route and reinforcement of commissary facilities thereon were, immediately and surmounting difficulties, carried out under careful co-operation among the units concerned extending over a long period.

Now, I should like to examine the steps of Lt-Gen BABA that he took for the purpose of not repeating the unexpected results of the first march, according to Lt-Gen BABA's statement and evidence, and the evidence the Prosecution tendered.

1. Lt-Gen BABA examined the following three plans as the fundamental problem of the steps:-

- 1st plan: To transfer the Prisoner of War Camp to a place which is near to SANDAKAN and is easy to move to.
- 2nd plan: To leave the Prisoner of War Camp at SANDAKAN as it is, without transferring it.
- 3rd plan: According to the already decided plan, to transfer it to RANAU which possessed the best conditions to accommodate Prisoners of War.

And, out of the above three plans Lt-Gen BABA particularly endeavoured to investigate the first plan. The fact that the Army HQ once issued orders to move to KAMANSI, which was mentioned in HOSHIJIMA's evidence (Exhibit "B") and HOSHIJIMA undertook to make preparations for that move, is a weighty evidence which shows the Accused made efforts in regard to the first plan. But, after further consideration, he thought KAMANSI was, in principle, improper, because it had big probability of becoming the dangerous zone of fighting, and also had defects with regard to foodstuffs. TAKAHARA's statement (Exhibit "C") clearly shows that KAMANSI had defects in the food problem.

And Lt-Gen BABA thought of the move making use of the waterway, and investigated the waterway of the LABUE River. His conviction in its value in use made him decisively determine that the transfer of the Prisoner of War Camp to RANAU was proper in view of the whole field of affairs.

For the same reason as mentioned in regard to the orders regarding the first march, I consider it by no means unlawful that Lt-Gen BABA approved the second transfer of the Prisoners of War to RANAU.

2. What Lt-Gen BABA had to consider most after the adoption of the above-mentioned third plan, was a problem how to transfer the Prisoners of War safely, to which, I assume, your attention is being particularly paid.



What Lt-Gen BABA had to consider in order to solve this problem was firstly to accurately understand what were the conditions which would cause Prisoners of War great pain and suffering in the transfer itself.

I think such conditions are, in principle, as follows:-

1. Health conditions of Prisoners of War.
2. Conditions of the march course.
3. Daily stages and speed of the march.
4. Rationing and accommodations during the march.
5. Medical facilities during the march.
6. Quantities to be carried by each Prisoner of War.

Did Lt-Gen BABA make efforts to meet the needs in these conditions?

Gentlemen, I hope you may infer from the statement of the Accused and evidence, the preparations for the transfer which Lt-Gen BABA made for about four months encouraging the units concerned. I am going to mention about the matters which I consider important in the above-mentioned principal conditions.

(a) First, I think, whether or not Lt-Gen BABA ordered to transfer all the Prisoners of War, reckless of their health, in the second transfer, is an important point. In this respect, Lt-Gen BABA states that he, in the orders on 20 May, clearly showed his intention, as the GOC, of transferring the said Prisoner of War Camp to RANAU, and ordered on 26 May that healthy Prisoners of War only be made to move to RANAU. IWANASHI, a staff officer, states that at first the Chief of Staff ordered to transfer all the Prisoners of War and later on the Army ordered to transfer healthy Prisoners of War only, being based upon the suggestion made by Capt TAKAKUWA, was issued. On the contrary, TAKAKUWA states that it was an order that said all the Prisoners of War be made to move (Exhibit "C"). I have doubts on this IWANASHI's testimony (Exhibit "C"): for, under the Japanese Military Regulations, the Chief of Staff who is not authorized to issue orders is not allowed to issue Army orders regarding any matter whatsoever. It is strange that IWANASHI, being a staff officer, stated such a thing, as it is contrary to this undeniable principle. And TAKAKUWA states he did not receive such an order that said "Make healthy Prisoners of War only transfer." But, from the fact that TAKAKUWA received the orders issued on 20 May on the same day, it must be recognized that the communication between SANDAKAN and the Army HQ could reach him within one day. If so, it is strange that TAKAKUWA did not receive the Army orders which are stated to have been issued on 26 May. But, the distance between the SANDAKAN Signal Station and the Prisoner of War Camp was about ten (10) miles. Therefore, I submit, there can be some presumption that the delivery of the telegram might be delayed for some reason until 27 May, when the Allied Forces launched attack, and after that, TAKAKUWA might have no opportunity to receive it until 29 May when he set out.

(b) The second is the point that Lt-Gen BABA made efforts for the purpose of transporting Prisoners of War, if possible, by the waterway, utilizing the River LABUE. He worked out the following three methods of transporting Prisoners of War:-

- (1) The Prisoners of War able to endure the march should march overland.
- (2) Those who were too weak to march should be transferred by the waterway.

- (3) Those unable to endure the move should remain and recuperate themselves at SANDAKAN.

And, as his statement shows, Lt-Gen BABA learned by the investigation made by the Waterway Investigation Branch that waterway through the River LABU covered two-thirds of the whole course between SANDAKAN and RANAU. He made efforts in gathering ships and boats which had been scattered in various places, ordering the Barge Engineer Unit and NAMJ Unit. Even by this, it would be established that Lt-Gen BABA had no intention to transfer all the Prisoners of War disregarding hardships in the course.

(c) The third point is that the period spent for the preparations of the transfer extended over four months. I understand the reason why so many days were required for the said preparations is that for the said preparations all kinds of measures were taken with careful considerations, and that extreme endeavours were required to carry the said preparations out. And it proves the intensity of his concern that Lt-Gen BABA ordered almost all the units between SANDAKAN and RANAU to assist the transfer. And this fact is made clear by IWASHI's testimony, too.

(d) The fourth is an important point, that is, whether or not the orders to transfer the Prisoners of War issued on 20 May were the orders of departure. I submit the orders on 20 May were merely the expression of the decided intention of the GOC to transfer Prisoners of War to RANAU, in which his demand to make Capt TAKAMURA OC of the Prisoners of War Camp, arrange with the units concerned in regard to the final preparation was included and, moreover, it was implied that the time of departure would finally be shown by the GOC, who would decide it from the viewpoint of the whole field of affairs, after the decisions of those conferences were completely put into effect. This fact is testified by IWASHI, the staff officer of the Army in charge of operations, who actually drafted that order. There is no fact that the Army HQ urged TAKAMURA to proceed on, even when the order of 20 May was not carried out by him by 29. Therefore, straightforwardly speaking, the time of departure was not indicated in the order of 20 May, and plenty of time was given to the units for preparation, and attention was paid for this movement to be carried out smoothly, depending on the actual circumstances. I believe, from what has been mentioned above, that it is improper to allege that Lt-Gen BABA wilfully disregarded or failed to discharge his duty to ameliorate such a condition that the march would necessarily cause the Prisoners of War great pain and suffering, but that, on the contrary, Lt-Gen BABA did make the greatest endeavours and take the greatest consideration as he could.

B. Despite that, the results of the second transfer, too, were contrary to the intention of Lt-Gen BABA, the GOC the Army, and his incessant efforts for four months came to naught.

Judging from the results, it may be inferred that Lt-Gen BABA disregarded the results of the first march in preparing and carrying out the second transfer.

But I should like to scrutinize the results which were brought about by his efforts made for a long time in the preparations of the second transfer after he learned the results of the first march, not being misled by the results of the second transfer.



1. From the evidences of FOSHIMIZIMA (Exhibit "B"), STIP-  
SWITCH (Exhibit "F"), YAMAMOTO (Exhibit "E"), and MIYATA  
(Exhibit "W"), it is inferred that there were about 300 Prison-  
ers of War whose health condition could endure the march before  
the commencement of the first march.

And it is inferred from the evidences of IWAHASHI  
(Exhibit "O"), TAKAHARA (Exhibit "P"), WATANABE (Exhibit "S"),  
and STIPSWITCH (Exhibit "F"), that there were about 150-200 of  
such Prisoners of War before the commencement of the second  
transfer.

2. The Prisoners of War who reached RANAU after the first  
march were about 150-200 in number inferring from the evidences  
of YAMAMOTO (Exhibit "E"), STIPSWITCH (Exhibit "F"), BOTTRELL  
(Exhibit "C"), and OKADA (Exhibit "T"), but in the second trans-  
fer about 180 Prisoners of War reached there, inferring from  
the evidences of TAKAHARA (Exhibit "P"), WATANABE (Exhibit "S"),  
and STIPSWITCH (Exhibit "F").

3. Backoning from the above-mentioned figures, while the  
death-rate to the whole healthy Prisoners of War who could en-  
dure the march was 30-40% in the first march, it was almost 0%  
in the second transfer. Therefore, if the second transfer was  
carried out according to the Accused's plan, those disastrous  
results would not have been brought about.

In other words, it is inferred that re-inforcement of  
the first Line of Communication route for which the Accused made  
preparations for a long time, must have been fully carried out.

C. Furthermore, after I heard Lt-Gen BABA plainly tell  
the true state of affairs, and I made a thorough investigation  
of the evidences tendered by the Prosecution and the statement  
given by the Accused, I could not help sympathizing with Lt-Gen  
BABA having been successively harassed by blunders peculiar to  
war, as well as I felt deep sympathy for the British and Austral-  
ian Prisoners of War in their unfortunate destiny.

Then I found it my duty to examine the conditions un-  
der which the second transfer of the Prisoners of War was really  
started all of a sudden by flurried Capt TAKAHARA's arbitrary  
decision, the OC the Prisoner of War Camp, under the circumstances  
entirely contrary to Lt-Gen BABA's expectation and, in a way,  
entirely contrary to his intention.

At 1145 hrs the Court adjourns.

At 1155 hrs the Court resumes, the same President, Members and  
Judge Advocate being present.

Defending Officer continues: For this purpose, I think we have  
to notice the panic state at SANDAKAN caused by the severe attack  
of the Allied Forces against SANDAKAN and SANDAKAN aerodrome  
area at the end of May.

For three days from May 27, severe bombardments and  
shellings were carried out by a large number of planes and cover-  
ed warships. At that time the whole strength of the defending  
forces at SANDAKAN had been decreased to approximately 1,500 as  
a result of the movement of the forces to the western coast, and  
was taking charge of the defence of the vast front. This fact  
was testified by IWAHASHI.



Sheet No. 30.

Due to this attack on 27, the Japanese and the natives in the SANDAKAN area began to take refuge to the hinterland. It can be inferred from the testimony by TAKAKUMA (Exhibit "P"), that negotiations were conducted between the SANDAKAN garrison commander and OC the Prisoner of War Camp concerning the necessity of the refuge of the Prisoner of War Camp as well out of the dangerous zone. It seems that, in fact, TAKAKUMA was preparing for the transfer from 27 May on. The Prisoner of War Camp was located near the SANDAKAN aerodrome at that time, and it is evident that TAKAKUMA suddenly started to transfer the Prisoner of War Camp, having fallen into a panic mentality, at a time when the Allied severest attack took aim at the aerodrome area on 29 May, and the Prisoner of War Camp fell into a state of confusion. I could find this fact out by the evidence tendered by the Prosecution (Exhibit "P"), according to which there was such a confusion such as the burning down of the SANDAKAN Prisoner of War Camp, together with lots of provisions and hygienic materials, which we could not imagine by calm common-sense, and TAKAKUMA's command was carried out very thoughtlessly at the time of departure. I think the departure of the second transfer was influenced by mentality of retreat rather than pursuant to a plan. Then, could Lt-Gen BABA not prevent this departure of the Prisoners of War opposed to his intention? Why couldn't he prevent unfortunate results which would necessarily be caused by this transfer at the earliest opportunity after the departure? It was around 10 Jun when Lt-Gen BABA learned of the said departure and the state of affairs at SANDAKAN, because the communication between SANDAKAN and the Army HQ had been stopped due to the attack on 27 May. That is why Lt-Gen BABA could neither learn of it nor take any preventive measures against it. As soon as Lt-Gen BABA on or around 10 Jun knew the progress of battles at SANDAKAN, he dispatched Capt NAKAYAMA to the 1st Line of Communication route to take necessary measures to make the transfer of the Prisoners of War safe.

I think we have to take notice especially to the circumstances at that time under which the main body of the 27 Army was expected to face decisive battles, for the Allied landing operation against the coast of the BRUNEI BAY was started around 10 Jun.

After having examined as above, I came to the conclusion that it was owing to the departure of the second transfer, starting in a panic state, that the unfortunate results were brought about in spite of Lt-Gen BABA's efforts to prevent them. It can be inferred, therefore, that unfit Prisoners of War might be included in the march, and that there might be many defects in the equipment of the Prisoners of War and organization of the march which, I think, were the direct causes of the unfortunate results.

Thus, I believe, in the light of the real state of affairs at that time, the unfortunate results in this second transfer were not due to malice or negligence on the part of the Accused, but due to the panic state of the Prisoner of War Camp under the special circumstances at SANDAKAN from 27 May till 29 May. Therefore, I submit it would not be proper to hold Lt-Gen BABA wholly responsible for it.

N.

III Regarding the atrocities committed by some members under the Accused.

A. First, in this respect, the Prosecution has alleged as follows :

1. During the march from SANDAKAN to RANAU at the end of Jan 45, Japanese soldiers under the command of the Accused shot a number of Prisoners of War under the orders of Capt YAMAMOTO, an officer under the command of the Accused.
2. During the march from SANDAKAN to RANAU at the end of May 45, Japanese soldiers under the command of the Accused shot a number of Prisoners of War under the orders of Capt TAKAKUWA, also an officer under the command of the Accused.

However, in the evidence tendered by the Prosecution, there is no evidence which shows that Lt Gen BABA ordered, suggested, or connived at, such conduct. Neither is there any evidence which shows that Lt Gen BABA received a report regarding them from his subordinates nor any which shows that he was aware of them. Lt Gen BABA testifies that these facts were made known to him only after the cessation of hostilities for the first time. Lt Gen BABA, however, admits it is a plain fact that such atrocities were committed by his subordinates to which he has expressed deepest regret.

I should like to make it clear that such conducts were committed at the discretion of his subordinates at various spots 100 to 300 miles away from the Army HQ at TENOM; and especially that the murders committed during the second transfer could not have been informed of to him in any measure, traffic and communication from TENOM to RANAU being intercepted by the advance of the Allied Forces.

not  
I submit that Lt Gen BABA, who had/had the slightest fear that such atrocities might be committed by his subordinates, should not be impeached with the fact that he did not take any particular counter-measures to prevent the occurrence of such incidents.

Therefore, Lt Gen BABA's ignorance, from every viewpoint, does not at all implicate that he unlawfully disregarded these facts with intention or he failed to discharge his duty by negligence, I submit.

B. Then the Prosecution has alleged the following two facts :

3. A number of Prisoners of War died at RANAU in Jul 45.
4. Japanese soldiers under the command of the Accused shot a number of Prisoners of War under the orders of Capt. TAKAKUWA who was also under the command of the Accused.

In order to study these problems, what extent of command, in principle, Lt Gen BABA, being GOC the 37th Army, was authorized to exert over the Prisoner of War camps is an important question.

Regarding this power of command, Lt Gen BABA has stated clearly and also Col TAKAYAMA, senior staff officer of the 37th Army, in reply to the cross-examination (Exhibit "C"), by the Prosecution at the LABUAN Trial, stated as follows :

- Q. Is the BORNEO POW Unit under command 37 Japanese Army?
- A. No. However, the 37th Army can give them orders concerning on some of things.

This testimony is an evidence much serving to prove Lt Gen BABA's statement.



That is, Lt Gen BABA should never be held responsible for the matters for which he had not authority, such as personnel affairs, reward and punishment and the general office routines of the camps. Then, what kind of command did Lt Gen BABA have over the Prisoner of War camps?

As Lt Gen BABA has testified, his responsibilities for the Prisoner of War camps are that for the defence of the same, which is a part of his general duties to defend the areas under his command and that for supply. Then let us find out such evidence as appears to be relevant to these responsibilities of his out of the evidence the Prosecution tendered in regard to the incidents in (3) and (4).

Namely -

(a) In the interrogation (Exhibit "P") TAKAKUWA answered to the defending officer :

"So on the 1st August I issued orders that all the PW were to be killed. This order of killing the PW was entirely based on the necessity of war operations."

And he stated in reply of the cross-examination by the Prosecuting Officer :

"I did not know of this. I personally thought they were much closer."

This testimony of his proves that these orders were issued by him on the necessity of operation which he personally thought there was, so that these orders have nothing to do with the Army HQ.

(b) In addition, he states in his statement (Exhibit "Q") :

"I knew that I would have to move in the near future and rather than be encumbered and hampered with sick Prisoners of War thought it best to kill them. My other reasons were that there was no food and I feared that they would all escape."

"The movement order from 37th Army HQ told me to make the PWs available to KANNO BUTAI (Machine Gun Unit) to assist them in carrying their ammunition to BEAUFORT, and it did not matter if they died while employed on this work."

This evidence given by TAKAKUWA is full of unreasonableness. That is to say, there is no fact that such orders were issued, and no such evidence elsewhere. Around 1 Aug BEAUFORT had already been occupied by the Australian forces, whereby BEAUFORT and RANAU had been completely intercepted. In such circumstances it is beyond our common sense to transport ammunition from RANAU to BEAUFORT (100 miles from RANAU). I would like to assert TAKAKUWA's evidence is a cooked-up story.

Having inferred as above, I am convinced that it is too much to hold the Accused responsible for (3) and (4) in sub-para B.

#### IV With reference to the controlling power of the Accused over the PWs.

I must further state the most important problem for the defence of the Accused. It is the point as to in what degree the controlling power as the GOC of the 37th Army should be required from the Accused, who has been put in the extremely unadvantageous and difficult situation. In order to make this point clear, according to the statement made by the Accused, I will first frankly express my



opinion obtained from my inquiry into the peculiarity of the 37th Army and the nature of its operations in BORNEO.

It might result in exposing before the Court the weakness of the 37th Army in those days. Gentlemen, it is really very unpleasant for me to state such weakness of the former Army of my own country. And also I am especially afraid that the exposure of the weakness may give such impression to other persons as if a supplicating sad voice of the vanquished. My personal feelings of honour, however, must be renounced for the cause of justice. The real conditions of the 37th Army which I am going to state in such a state of my mind were as follows :

A. The 37th Army was substantially not a combatant force, but a mere garrison. That is to say, its strength did not come to that of one division, and its quality was inferior because of having been hastily organized on the middle of 1944, and trained in a low degree, and its organization was so poor that there is no artillery in it, - it was really the relics of the former centuries. This fact will be clearly understated if you see the conditions of the weapons handed over by the GOC 37th Army to the GOC the Australian 9th Division. The defects of this Army lay especially in the small strength and poor quality of the signal, supply, and sanitary corps and commissariats.

These essential defects of this Army were the first cause that made the control, operations and supply of this Army very difficult.

B. Lt Gen BABA had to defend the broad and uncultivated districts of British North BORNEO, Kingdom of BRUNEI and Kingdom of SARAWAK with these inferior and weak forces. The problem he had to consider most for this defence was how to stand against the severe attacks by the Allied Forces having the modern equipments with these inferior and weak forces. I asked to myself looking at the map of BORNEO - Could any prominent general of any country in the world perfectly fulfil such duty as imposed upon Lt Gen BABA? So excessive and difficult Lt Gen BABA's duty was. Having no aeroplane nor warship to cooperate with and the supply being suspended, the 37th Army was just like the army on an isolated island left alone in the waves of the SOUTH CHINA SEA, JAVA Bay and CELEBES Bay. And the individual units of poor strength, disposed from place to place, in the coast lines extending over one thousand miles, with difficult communication were also the units on small isolated islands. Even to these units that had become like isolated islands, and whose fighting power was declining day by day, any reduction of the duties was not permitted. The BORNEO Operation assigned upon the 37th Army was forced to expose its weakness. The success of the operation by such isolated troops solely depends upon the superiority of troops, especially upon the superiority of the commanding officers. This is especially because there are many cases in such situation where the controlling power of the higher commanding officer does not reach the OC each unit, whereby the arbitrary decision of the OC each unit is needed. But the 37th Army was not given superior forces, and the staff members to be OC each unit were of poor quality and it was an inferior army which was organized in the final stage of the Pacific War.

This weak point was exposed more and more after the Base of the Allied Air Forces advanced to PALAUAN Island in Mar 48, until the 37th Army fell into a state of hemiplegia. Furthermore, it fell into a state of perfect suffocation when the Australian Forces advanced to NORTH BORNEO on 10 Jun.

Next, I am going to state the two hard tasks which Lt Gen BABA met with just after his arrival in BORNEO. The first task was the movement of the main forces covering a long distance of 300-500 miles from the East to the West coast which was in itself a difficult task. The loss of the fighting power due to this longway movement might cause the failure of a new operation in the West coast. Therefore, it was the operational demand for Lt Gen BABA to prevent such loss and to maintain the military power of the Army as much as he could. The second was to accomplish the operational disposition in the West Coast as soon as he could, in order to face the situation in which the landing of the Allied Forces was anticipated at every possible moment. So it was the operational demand to accomplish the said movement as quickly as possible.

However, should the GOC the Army harmonize this contradiction between power and time? That was a serious question. But Lt Gen BABA was specially afraid of the loss and deterioration of the fighting power. Accordingly the movement of the main body of the Army was carried out so slowly that the concentration of fighting power was not yet completed at the time when the Australian Forces landed at the coast of the BRUNEL BAY.

It is to be understood that, as stated above, the GOC, BABA, who could not exercise his full controlling power over even the Japanese units under his command, felt it more difficult to control the Prisoner of War Camps over which he had only a part of command than to control his own subordinate units. The source of controlling power in the army is the power concerning personnel affairs and the power of reward and punishment. I believe the fact that these two powers over the Prisoner of War Camps were not given to him is all the more the cause of his control not having been exercised over the Prisoner of War Camps.

C. As mentioned above, Lt Gen BABA had faced extremely difficult tasks since his arrival as new GOC 37th Army in BORNEO at the end of Jan 45 until the cessation of hostilities, yet the war situation became more unfavourable as time went on. Accordingly the control of the GOC was needed all the more, but in spite of this need the influence of the unfavourable war situation made the control itself be felt more difficult. Then, what did cause him to lose this control? I believe the biggest of the causes was the incessant attacks by the Allied forces. The breakdown of the control of HQ 37th Army seems to have been one of the causes of the extremely easy success of the landing operation of the Australian Forces on the coast of the BRUNEL Bay on 10 Jun.

It is my opinion that since the beginning of 1945, the 37th Army in fact was unknowingly stepping on the way to defeat. Lt Gen BABA assumed the command of the 37th Army on this way to defeat, and devoted himself in checking its progress desperately, but he became unable to check it as time went on.

Recollecting the war history since ancient times, I find how difficult the control of the defeated forces is, and furthermore, I have heard that there are very few prominent generals even in the long war history of the world who could control the defeated forces at his own will under the most unfavourable conditions. The Accused is nothing of a prominent GOC the Army in Japan, but seems to be a mere common GOC, I dare say.

I maintain that it is too cruel to hold this common GOC responsible for his having been unable to exercise perfect control in a war situation in which his hands and feet were in a manner, tied up, and that even if control is demanded of him, there should be given full consideration for the limit to that demand.



In addition, I must especially strongly stress that his failure to exercise control was caused by neither negligence nor indifference on his part.

I said, in the presence of Lt-Gen BABA, that he is a mere common GOC and the 37th Army of his command was an inferior force who stepped on the way to defeat.

The reason why I ventured to say such words in spite of my full understanding of soldiers' feeling of honour, is that I believe that it is not just to modify the truth, merely sticking to the honour of an individual and the pride of the Army and that it is my duty in this trial to disclose the facts as they were, which I wish would help the Court in approaching to a fair and proper judgment.

Now I come to conclusion of my address.

V. Conclusion.

So far I have dealt with the alleged facts dividing them into three parts. I should like to pause here to look back and review the charge which he has been arraigned before the Court to answer.

At first sight, we notice there are three main factors in the charge, and it goes without saying that in order to find the Accused guilty of the charge his guilt must be proved in respect of each of these three factors beyond any reasonable doubt, and the onus of proof rests entirely on the Prosecution. If any doubt remains, it must be considered in favor of the Accused. These three factors are as follows:-

1. There must be war crimes of an extremely serious nature committed by his subordinates.
2. There must be unlawful disregard of duties or failure to discharge them on the part of the Accused.
3. There must be a chain of causation between the aforementioned two factors.

Now, as to the first factor, it is undeniable, and the Accused himself has admitted, that war crimes of a serious nature have been committed by his subordinates, though he had not any knowledge of them until the cessation of hostilities, much less at the time of their commission.

Then I will pass on to the second factor. But, before I deal with this factor, I should like to remind the Court of an important point in considering the right or wrong of an act. That is, the circumstances under which the act in question was done should always be taken into consideration to estimate the right or wrong of it. Needless to say, any human act always happens under certain circumstances. It is not to the point to criticize a commander's act of supervising his subordinates disregarding the war situation and the other circumstances which have any connection with his act, and to enquire into whether or not his control of the subordinates was right irrespectively of the circumstances. This is why I have rather entered far into details of the war situation and the circumstances during the period of the Accused's command. His act done or omission made, if there were any, must be considered in relation with the war situation and the circumstances of which, I think, I have given before you, the vivid picture reproducing it from the evi-



ences tendered by the defence as well as the Prosecution. Can we find any disregard or any failure on the part of the Accused? Suppose he had been placed in a peaceful circumstance or he had a great many well-disciplined soldiers under his command at that time. In such a case, surely, we could have and should have expected of him much more in his discharging his duties as GOC of an Army. However, under the above-explained circumstances, and with the above-mentioned military quality, I submit, he can be said to have done all he could do. Moreover, I think you who are the combatant officers easily can understand that he as a GOC of an army in the battlefield shouldered on his back the destiny of the whole forces under his command. It was the most important duty for him to bring the war by all means to a victorious conclusion. With such diversity and gravity of duties on his shoulders, and under the aforesaid circumstances, could we expect of the Accused, who was nothing but a Commander of common ability, to do more than what he actually did? Sense of proportion leads me to answer in the negative.

However, if the Court finds any failure or disregard on his part, I should like to ask the Court, in considering the next step, if there be a chain of causation between the said disregard or failure on his part, and the offences committed by his subordinates, to bear in mind that it is a settled rule in jurisprudence in all civilized countries to put an end to a chain of causation at a certain point, which is commonly accepted as appropriate by the world, and to make enquiry only within this limit in deciding whether a man is criminally responsible or not. It must be remembered that a commander is not to be held responsible for all acts by his subordinates and the effects resulting from these acts, but only to be held responsible within certain limits which are commonly accepted as appropriate by the community in general.

As to the guilty mind, which is the indispensable ingredient in all crimes in the British Law, I leave it to the learned Judge Advocate to explain it to the Court. Gentlemen, you are the Judges of laws and facts, regarding both of which I think I have said all what is deemed to be said on behalf of the Accused. The victims in this case are Australian and British Prisoners of War. For my duty's sake, I dare ask you to disregard any personal feelings you may have in the matter and to judge the Accused according to the British Law and the evidences including the oral evidence given by the Accused on oath, which you are all entitled to consider in arriving at your verdict, and I desire to conclude my address believing firmly that the same law administered in other trials with nerveless and impartial hands will be applied equally in this case, and the Accused will surely be given the fairest verdict.

At 1235 hrs the Court adjourns.

At 1430 hrs the Court resumes, the same President, Members and Judge Advocate being present.

THE JUDGE ADVOCATE SUMS UP:

Gentlemen, the Court derives its jurisdiction from the War Crimes Act 1945, and under that Act has power to try any individual charged with a war crime committed at any place whatsoever within or beyond Australia, against any person who was at the time a resident of Australia, against British Subjects or Citizens of any allied or associated power. Both provisions are contained in Sections 7 and 12 of the Act. The War Crimes Act is within the legislative power of the Commonwealth under the Defence Power contained in the Commonwealth Constitution.

"War crime" is defined by Section 3 of the Act to mean: (a) A violation of the laws and usages of war; or (b) Any war crime within the meaning of the Instrument of Appointment of the Board of Inquiry appointed on the 3rd day of September 1945 under the National Security Inquiries Regulations, and committed at any place whatsoever, whether within or beyond Australia, during any war.

The crimes referred to in part (b) of the definition include murder, the ill-treatment of wounded and Prisoners of War, including transportation of Prisoners of War under improper conditions, and failure to provide Prisoners of War or Internees with proper medical care, food, or quarters.

The laws and usages of war have in part come into being through the years, and are in part laid down by International Conventions. The treatment of Prisoners of War is covered by the Annex to the Hague Convention of 1907 and by the Geneva Convention of 1929. Great Britain is a signatory to both Conventions; Japan has ratified that of the Hague but not the Geneva Convention. This is immaterial, as the law applied in this Court is that of England as embodied in Australian Law.

Article 1 of the Annex to the Hague Convention, which is quoted on Page 327 of the Manual of Military Law, lays down as a condition which an armed force must fulfil in order to be accorded the rights of lawful belligerents, that it must be commanded by a person responsible for his subordinates. The first paragraph of Article 4 of that Annex reads: "Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them. They must be humanely treated." Article 2 of the Geneva Convention, on Page 365 of the Manual, reads: "Prisoners of war are in the power of the hostile Government, but not of the individuals or formation which captured them. They shall at all times be humanely treated and protected, particularly against acts of violence, from insults and from public curiosity."

Article 11 of that Convention provides that the food ration of prisoners shall be equivalent in quantity and quality to that of depot troops.

The Accused is charged with committing a war crime, that is to say, a violation of the laws and usages of war, in that he, between December 1944 and September 1945 in BORNEO while a Commander of Armed Forces of Japan at war with the Commonwealth of Australia and its Allies unlawfully disregarded and failed to discharge his duty as such Commander to control the conduct of the members of his command whereby they committed brutal atrocities and other high crimes against people of the Commonwealth of Australia and its Allies.

At 1430 hrs the Court resumes, the same President, Members and Judge Advocate being present.

THE JUDGE ADVOCATE STANDS UP:

Gentlemen, the Court derives its jurisdiction from the War Crimes Act 1945, and under that Act has power to try any individual charged with a war crime committed at any place whatsoever within or beyond Australia, against any person who was at the time a resident of Australia, against British Subjects or Citizens of any allied or associated power. ~~These~~ provisions are contained in Sections 7 and 12 of the Act. The War Crimes Act is within the legislative power of the Commonwealth under the Defence Power contained in the Commonwealth Constitution.

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The expression "brutal atrocities and other high crimes" has to be considered by the Court in considering the charge. An atrocity is an extremely cruel and wicked act and, as such, is not a war crime. The expression "high crime" is not a legal term. "High" as used in English law in "high treason," is treason against the Sovereign or a member of the Royal Family. The only reasonable meaning to be given "high crime" is "serious crime." I advise the Court that the meaning of "brutal atrocities and other high crimes" is simply "serious war crimes." I advise the Court that it has jurisdiction to entertain the charge before it, and that the charge discloses an offence under the War Crimes Act.

In order to succeed, the Prosecution must prove (a) That war crimes were committed against Australians or people of an allied or associated power; (b) That such war crimes were committed by personnel under the command of the Accused; and (c) That the Accused was in command of armed Japanese Forces at war with the Commonwealth of Australia and its Allies, and that such war crimes were committed as a result of his failure to discharge his duties as such Commander - either by deliberately failing in his duties, or by culpably or wilfully disregarding them, not caring whether they resulted in the commission of war crimes or not.

Provision regarding the responsibility of commanders appears in both the Hague and Geneva Conventions - it appears in Article 1 of the Hague Convention, which I have quoted, and in Article 6 of the Geneva Convention.

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The matter was considered by the Supreme Court of the United States of America in the case of In re YAMASHITA, and the judgment of the Court appears in the American Journal of International Law, Volume 40 No. 2, at pages 432 and 433. I quote from the judgment -

"It is evident that the conduct of military operations by troops whose excesses are unrestrained by the orders or efforts of their commander would almost certainly result in violations which it is the purpose of the law of war to prevent. Its purpose to protect civilian populations and prisoners of war from brutality would largely be defeated if the commander of an invading army could with impunity neglect to take reasonable measures for their protection. Hence the law of war presupposes that its violation is to be avoided through the control of the operations of war by commanders who are to some extent responsible for their subordinates."

This is recognized by the Annex to the Fourth Hague Convention of 1907, respecting the laws and customs of war on land. Article 1 lays down as a condition which an armed force must fulfill in order to be accorded the rights of lawful belligerents, that it must be "commanded by a person responsible for his subordinates."

Similarly, Article 19 of the Tenth Hague Convention, relating to bombardment by naval vessels, provides that commanders in chief of the belligerent vessels "must see that the above Articles are properly carried out." And Article 26 of the Geneva Red Cross Convention of 1929, for the amelioration of the condition of the wounded and sick in armies in the field, makes it "the duty of the commander-in-chief of the belligerent armies to provide for the details of execution of the foregoing articles, (of the convention) as well as for unforeseen cases." And, finally, Article 43 of the Annex of the Fourth Hague Convention, requires that the commander of a force occupying enemy territory, "shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country."

These provisions plainly imposed on petitioner, who at the time specified was military governor of the Philippines, as well as commander of the Japanese forces, an affirmative duty to take such measures as were within his power and appropriate in the circumstances to protect prisoners of war and the civilian population. This duty of a commanding officer has heretofore been recognized, and its breach penalized by our own military tribunals. A like principle has been applied so as to impose liability on the United States in international arbitrations.

It is a principle of English Law that in the commission of an offence, there must be mens rea. This may be evidenced, for instance, by a direct participation in the crime, or by counselling or commanding a crime, or by the commission of an act unlawful in itself, from which the crime resulted, or the performance of a duty with such wilful or culpable negligence as to display indifference as to whether or not the offence was committed.

With regard to the first march from SANDAKAN to RANAU, there is evidence before the Court by Capt HOSHIMIZU, Capt YAMAMOTO, WO STIPCEWICH and Capt MIIZUHA, that the prisoners, or some of them, were not in a fit state to undertake that march. I will quote one short passage from the evidence of WO STIPCEWICH - "The men had just on 3 years of gruelling Prisoner of war life, and were very worn, starved and practically physical wrecks. There would only be reasonably fit out of the whole lot, actually about 50 men. Prior to the march they had been on short rations and the rations had been cut. The state of the rations had a bearing on the conditions of the men."

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The conditions of the march and the sufferings and deaths of the Prisoners in its course are described by Ito POTTERILL, a survivor; and there is also evidence by Capt YAMAMOTO, who commanded the march, as to the shooting of Prisoners who could not keep up with their parties. YAMAMOTO admits that he instructed Lt ABE to dispose of Prisoners of War if necessary, that is, if they could not keep up. W/O STIPCEWITCH did not take part in the first march, and his evidence in regard to it, apart from the actual physical results that he saw, is largely hearsay. It is a matter for the Court as to what weight should be given to evidence of that nature.

As to the second march, which commenced in May of 1945, evidence as to the condition of the Prisoners has been given by W/O STIPCEWITCH, Capt TAKAKUWA, and Capt WATANABE. It appears that their condition was somewhat worse than that of those back in the earlier march. WATANABE says that from five to eight Prisoners were dying each day during the fortnight immediately prior to the march. Capt TAKAKUWA in his statement in evidence says that 37 Army was fully aware of the condition of the Prisoners. W/O STIPCEWITCH gives a very detailed description of the march itself, and there is also the evidence regarding it of TAKAKUWA and WATANABE.

Regarding the killing of Prisoners of War at RANAU, the Court has before it the evidence of TAKAKUWA and WATANABE, who is described sometimes as "Capt WATANABE" and sometimes as "Lt WATANABE," who appears, however, to be the same individual, Sgt OKADA and Civ HIROTA. TAKAKUWA states in the document Exhibit "C", that he issued orders for the shooting of the Prisoners as a last resort, rather than leave them behind on the march.

The Accused has stated, in respect of the two marches from SANDAKAN to RANAU, that the orders were issued by HQ 37 Army, and that he had informed himself of the condition of the Prisoners of War prior to the commencement of the two marches.

It is necessary for the Court to consider the responsibility of the Accused for any ill-treatment of Prisoners of War - the proof of which has satisfied the Court.

It has not been denied by the Defence that the Accused was Commander of the 37th Japanese Army at the relevant period, or that the march orders emanated from his Headquarters. Indeed, he stated himself that he gave the order for the second march. Evidence before the Court is that orders for the first march had been issued Army Headquarters prior to Accused taking up his command on 31 Jan. Capt YAMAMOTO, the march commander, had, after receipt of his orders, sent a signal to Headquarters querying certain aspects. He states that he received a reply to this at the end of January, and that the march commenced on the 29th. He states in the document (Exhibit "E"), that he received those orders from the Accused, not merely from HQ 37 Army. The Accused stated that he was aware of the condition of the Prisoners of War at this time. It is for you to decide whether he did in fact issue any order for the march himself, or whether, knowing the condition of the prisoners, he had the opportunity of changing or cancelling the orders, and if he did, whether he refrained from doing so wilfully or in such a manner as to show culpable neglect of his duties.

Regarding the second march, Col TAKAYAMA, a staff officer of the Accused, says that he was at SANDAKAN Prisoner of War Camp in the middle of Apr 45, but that he did not report to his commander on the condition of the prisoners or on their fitness to make the march, but that he did receive a report from the Camp Commandant that the health of the Prisoners of War was not good. TAKAYAMA says that he did not know whether the condition of the prisoners was known at Army Headquarters, but the Accused himself has said that he did know their condition. He had obtained, he has told the Court, a report on the first march. He said in evidence that he had sent a message to TAKAKUWA to the effect that only fit prisoners were to go on this march. This is supported by Lt Col IWANASHI, another of his staff officers. However, TAKAKUWA has stated that he did not receive such a message, and that he proceeded with the march in accordance with the orders that he had received.

It is for you to decide on the responsibility or otherwise of the Accused in this matter, and that covers, of course, his responsibility for the ill-treatment of the prisoners, as a result of his giving the order for the march to take place. It is to be noted that up to this stage, the Australian Forces had not landed in the area of the Accused's command. The position with regard to the deliberate killing of Prisoners of War at RANAU on 1 Aug is somewhat different. There is not evidence of any order of the Accused, in regard to that. He himself says that by that date his command was disorganized through enemy action, and that he was not in communication with RANAU. It could be argued that the killings there were the result of the marches. Indeed, they could not have occurred without the movement of the prisoners, but they were not, I feel, a natural result of the marches. Here, too, it is for the Court to consider whether they were due to the failure of the Accused in his duties.

It is for you, Gentlemen, after you are satisfied as to the other ingredients of the offences, to consider whether the Accused, in his capacity of Army Commander, did fail in the exercise of his duties, either by deliberately failing to control personnel under his command, whereby they committed the war crimes, evidence of which is before the Court, or that he wilfully and culpably disregarded such duties, careless of whether war crimes were committed or not. You may use your general military knowledge as to the control to be exercised by an Army commander, and as to his knowledge or the knowledge which he should have of the conditions of personnel under his command. It is your duty to consider all of the evidence before you, whether it be by the Prosecution or by the Defence; the weight of that evidence is a matter for you. You have seen the Accused in the box, and the rest of the evidence in the

case consists of a number of documents, some being interrogations or statements, and others transcripts of evidence given on oath in Court. It should be borne in mind that a considerable body of the evidence, that of HOSHIJIMA, YAMAMOTO, IINO, MIZUTA, TAKAKURA and WATANABE, was given on the occasion of their own trials.

The weight to be given to this documentary evidence is of course a matter for your consideration. The Court may make a special finding if it considers that the evidence has failed to support the charge as a whole - that is, if the facts which the Court finds to be proved, differ from the facts alleged but are nevertheless sufficient to prove the offence stated in the charge, and that difference is not so material as to prejudice the Accused in his defence.

The Court may take judicial notice of matters of which judicial notice would normally be taken by a Court, that is, the provisions of the law including International Law, geographical facts, all matters of notoriety - including matters within the general knowledge of officers of the Australian Military Forces. This would include the fact that during the relevant period the Armed Forces of Japan were at war with the Commonwealth of Australia and its Allies. Matters which have come to the knowledge of Members of the Court by reason of their individual experience are not matters of general knowledge and must be excluded.

The burden of proof is on the Prosecution throughout and the Prosecution must prove every ingredient of the charge beyond reasonable doubt - there is no onus on the Accused to establish his innocence. 'Reasonable doubt' does not mean a light or capricious doubt, but a doubt based upon reason and common sense. The Court is the judge of both law and fact - the Court should accept my advice on matters of law, except for very weighty reasons. The Court will disregard any opinion that I may have expressed as to the facts, which are entirely the domain of the Court.

At 1505 hrs the Court is closed to consider the finding and in compliance with RP 63A the Judge Advocate leaves the Court.



At 1517 hrs the Court reopens, and the Judge Advocate rejoins the Court.

The Court: It Gen RABA Masao, the Court finds you guilty of the charge against you.

Judge Advocate to Prosecuting Officer: Is there any record regarding the Accused?

Prosecuting Officer: No record, if the Court please.

Judge Advocate to Defending Officer: Have you anything to say in mitigation?

Defending Officer: If the Court please, on behalf of the Accused, I am a professional soldier throughout his career, I ask the Court to take into consideration his prestige and honour as a senior officer of the Japanese Imperial Armed Forces. Therefore, I specially ask the Court to award the Accused a sentence which you think is suitable.

At 1519 hrs the Court is closed to consider the sentence.

At 1521 hrs the Court reopens.

The Court: It Gen RABA Masao, you are sentenced to death by hanging. The finding and sentence of this Court are subject to confirmation by superior authority.

At 1522 hrs the Court is adjourned.

Signed at RABAT the second day of June, 1947.

.....Maj.  
Judge Advocate

.....Maj Gen.  
President

Transcript of Interview with BABA Masao  
BABA Masao

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INTERROGATION OF LT-GEN BABA MASAO FORMER GOC OF 37 JAPANESE ARMY

INTERVIEWED BY WA 7309 Capt J. GERKE of HQ 8 MD on 8 May 1947  
at RABAU, NEW BRITAIN.

Witness is first warned that he is going to be asked some questions that he is not obliged to answer, but anything that he says will be taken down in writing and may be used in evidence.

Q. What is your full name?

A. BABA MASAO.

Q. At the cessation of hostilities what was your rank?

A. Lieutenant General.

Q. What was the date and place of your birth?

A. Born 7 Jan 1892 at KUMAMOTO, KUMAMOTO Prefecture, KYUSU Island, Japan.

Q. I now require to know particulars of your education?

A. Primary school - 8 years  
Army Cadet School at HIROSHIMA - 3 years  
Army Cadet School at TOKYO - 2 years  
In December 1910 I attended the Officer's Military Academy.  
I next attended a horse riding school for one year after which I spent 3 years at the Staff College in TOKYO from Dec 1918.

Q. When were you first given your commission?

A. I was promoted to 2nd Lieut in Dec 1918 at the Officer's Military Training School.

Q. What was your rank and posting at the outbreak of this war?

A. In Oct 1941 I was appointed GOC 53 Division in KYOTO, Japan.  
My rank was Lieut General.

Q. What other appointments and promotions did you have during this war?

A. In Oct 1943 I was appointed GOC of 4 Division and went with them to SUMATRA. In Dec 1944 I was appointed command of 37 Japanese Army but did not join it in BORNEO until 21 Jan 1945 owing to shortage of transport.

Q. Who was GOC 37 Army prior to your taking over command?

A. Gen YAMAWAKI Masataka.

Q. Where did you establish your HQ when you arrived in BORNEO?

A. At JESSALTON in North Borneo.

Q. Did you ever change the location of your HQ while you were in command 37 Army?

A. Yes.

Q. Where did you shift your HQ to?

A. In May 1945 my HQs were set up at TENOM, which is in the CROCKER Ranges. My HQ remained there until the surrender.

Q. When did you relinquish command of 37 Japanese Army?

A. I remained in charge until I surrendered to GOC 9th Aust Division at LABUAN on 10 Sept 1945.

Q. What was your area of responsibility?

A. I was in charge of British North Borneo - this includes KUCHING, LABUAN, SARAWAK, SANDAKAN, RANAU.

W. L. Liddridge

馬場 一郎

... Lt Gen BABA, Masao  
...  
...

- 2 -

- Q. What is the distance from SANDAKAN to RANAU?  
A. I do not know.
- Q. Do you know where SANDAKAN and RANAU are situated?  
A. Yes.
- Q. Then how come you don't know the distance from one town to the other?  
A. I have never been to either place, so therefore have no idea of the distance.
- Q. Could you tell me the distance from a map?  
A. Yes.

The above statement has been read over to me: there are no mistakes and I affix my signature: I swear that the above statement is the truth.

...  
WITNESS  
HQ 8 Military District

...  
Lt Gen BABA MASAO

8 May 1947.

I, WO 2 G. DODDRIDGE, Interpreter, of HQ 8th MD, hereby certify that the above statement was made by Lt Gen BABA Masao in Japanese and that after same had been taken down in writing, was read back to him in his own language before he signed it, and that the above translation is a true and correct translation of the deponents statements.

...  
W.O.

I, Naval Lt. HATTORI Masaya, Interpreter of Japanese Legal Section, do hereby certify that the above interrogation was carried out before me and that it was taken down in English and later read back to Lt Gen BABA Masao in his own language before he signed same.

...  
Hattori



INTERVIEW - 14 Sep 1945.

Q. What is your name.

A. HONJIJIMA SUSUMU, Capt.

Q. When did you land in BORNEO.

A. On 8 Feb 45. I spent one month in West Borneo then went to Kuala Belait for 70 days then to Sandakan. I left Sandakan on 25 May 45.

Q. When did the first Prisoners of War arrive at Sandakan.

A. On the 18th July, 1945, 1496 PWs arrived at Sandakan.

Q. Were you in charge of the prisoners.

A. Yes. I was the commander of an engineering unit and I managed the PWs at the time.

Q. Who were the other officers at that time.

A. NAKATA and OKAWARA.

Q. Where are they. A. NAKATA is at Kuching Camp; OKAWARA, I am not sure, but think is at Singapore.

Q. What food were the prisoners receiving.

A. PWs received 550 to 750 grams of rice, and Japanese soldiers 750 to 800 I think.  
In June 44 food decreased for the PWs and at that time also the food of the Japanese soldiers was decreased by order of Army HQ.

Q. Did the Japanese soldier, after June 44, get more than the prisoners.

A. Yes. Each Japanese soldier got 550 grams. The PWs were getting between 300-400 grams. Most of the PWs were in good condition in Sandakan in Jun-July 44.

Q. How many died.

A. In July -1, in August-3, in Sep -6, October-6, Nov two or three, and after that there was a decrease in deaths.

Q. How many died altogether.

A. I cannot say for certain but about 80 until last Aug. After August there were no food rations and medicine was short. In June 44 we substituted Tapioca for rice.

Q. About how many prisoners died altogether under your command?

A. About 800.

Q. Why did they die.

A. First, there were no supplies of quinine or other medicines, secondly the rice change to Tapioca which was not so good for the Europeans.

Q. How many of your own soldiers died.

A. None.

- Q. What is the reason for this difference.
- A. Possibly because the Japanese had medicine and medical treatment.
- Q. Were the PWs still working on the airfield.
- A. Yes. At that time I went to the Jesselton Army HQ and I explained the situation and had a big argument with a young 2nd Lt regarding the shortage of food and medical supplies for the PWs. I explained the fact that Taploca is only a watery food and I wanted the prisoners to have more solid food.
- Q. What was the answer.
- A. They increased the rice ration, during the month of June. I also saw to it that the PWs worked on a big farm so that they would get enough food. It was a form of Taploca farm. It can still be seen at Sandakan. Food began to decrease in July 44. From then on the health of the PWs began to deteriorate especially after October.
- Q. Did you complain to Army HQ about that.
- A. I reported the matter to Army HQ, especially about the lack of medicines. Lt Col Sage went to Sandakan about the end of Oct. Sage tried in his every power to help the Borneo prisoners, especially when he came to Sandakan.
- Q. Why did they not give them more food.
- A. Food, like medical supplies, was scarce. Some field units came into the vicinity and had to supply these units from their rations.
- Q. Do you remember Captain Yamamoto.
- A. Yes, he was the commander of a Bn.
- Q. What did his Bn do.
- A. Captain Yamamoto was a Bn Comd. He came to Sandakan round about Sep-Oct 44 and at the end of Jan he marched to Tuaran with 450 prisoners including Australian and English. At that time I was the commander of the Sandakan Camp.
- Q. What did Yamamoto's Bn do while they were at Sandakan.
- A. He worked on fortifications, and sometimes he helped at the Aerodrome.
- Q. What work did the Yamamoto Bn do there.
- A. Mostly they worked in the Camp vicinity but sometimes they were digging holes for protection, on the north side of the aerodrome.
- Q. What work did the prisoners do.
- A. From 1942 firstly airfield construction, secondly agriculture.
- Q. What hours did they work each day.
- A. I am not sure but believe it was 08 hours including rests at meal times. After Col Sage visited Sandakan he returned to Jesselton and requisitioned medicine and sent it to Sandakan. At that time travel by waterway was almost impossible because of the terrific bushing and soldiers had to be sent to bring it over land. A Lt Yamamoto came to Sandakan in Oct 44. He came by air so was not able to bring much medicine. A Bn of soldiers came from the Sandakan Government.

for leave to the natives but I gave them to the PWs.

Q. Did he have quinine for the Japanese soldiers.

A. Yes. All quinine stocks had been confiscated by the Japanese Forces.

Q. How many prisoners escaped from Sandakan Camp.

A. In Jul 1943 - 11

In May 1943 - 7 including 1 officer.

In Jun 1943 - 3

In 1945 - Jan 1

Mar 1.

Of all these prisoners that escaped 12 were recaptured, three of them were shot while escaping, and 6 are still at large.

I would like to say that in Oct 43 500 Australian PWs came from Singapore and about 750 English PWs bringing to the number of PWs under my command to 2,750.

I gave orders to put these PWs on the Sakari Island at the mouth of Sandakan Bay. About this time a Captain Steele together with 6 others escaped from Sandakan Camp and eventually made their way to the Phillipine Islands. The escape took place on the night 4/5 May 43.

Q. Who was in charge of the prisoners when they were working on the airstrip.

A. I was. Col Suga objected to the prisoners working on the airstrip but higher authorities would not listen to him.

Q. What happened to the prisoners if they did not work hard enough.

A. If they would not work I hit them, if they worked hard they were praised.

Q. Do you not know that hitting them was wrong.

A. In the Japanese Army that is the practice so I thought it was right. Only the ones who did not work were hit.

Q. What happened to the prisoners who escaped and were recaptured.

A. They were sent to the Kampetai.

Q. Who was the Kampetai officer.

A. I do not know.

Q. Did you punish any of the prisoners of war.

A. Plenty. Officers were confined to their rooms, and Other Ranks were confined in a hut about 7 feet square and between 4 and 5 feet high. They were given food. Conditions in the huts were very bad. The PWs were sometimes hit by the guards outside the huts. There were never more than 4 men in one hut at a time.

Q. Did you not beat the prisoners.

A. In the early part of 1943 I was in charge of the Camp and also of the aerodrome construction. I was very irritable and I beat much the prisoners to make them work harder.



- Q. Do you remember the Australian soldier hitting a Japanese soldier.
- A. Yes.
- Q. What happened to the Australian Soldier.
- A. He was tied up and put in one of the huts, same dimensions as I mentioned before. It was not high enough to stand up in.
- Q. Did they not make this man kneel on a short piece of wood.
- A. I do not recall the incident.
- Q. Do you remember a Captain Mills, an Australian Officer.
- A. Yes.
- Q. Capt Mills tells me he saw you watch this Australian soldier while he was kneeling on this piece of wood.
- A. I was not there when the punishment was going on. I heard about it the following day and I went to release the prisoner as I thought the punishment was too severe.
- Q. Capt Mills informs us that you were present at the punishment.
- A. Yes, I did see it but when I saw it I returned to my office and put out an order to stop the punishment. Being in charge of the PW Camp, one of my duties was to protect the prisoners.
- Q. Does he know of any other cases where prisoners were made to kneel in this fashion.
- A. No.
- Q. What were the names of the three soldiers, who were shot trying to escape.
- A. I do not know.
- Q. When did it happen.
- A. May 1943.
- Q. What happened to the Indian Soldier who was recaptured.
- A. He died at the Military Police.
- Q. Who was in charge of the Military Police then.
- A. SAADA.
- Q. Do you know why he died and what he died of.
- A. I think Malaria, but am not sure.
- Q. Was it a Pte Kurano who shot these 3 men.
- A. Pte H. S. YAMAGUCHI shot the men.
- Q. Did you take any prisoners with you when you left Sandakan.
- A. I left Sandakan on 25 May with Sgt Inada and three native boys. I took no prisoners with me. We went overland. In the night I was not one of the PW Camp.

Capt Takakura took over from me wef 17 May 48.

- Q. Did you see the party of prisoners who marched out with Capt YAMA MOTO.
- A. Yes. They were divided into 9 groups; about 80 prisoners with each group.
- Q. Did the prisoners have shoes.
- A. Because of shortage of shoes we fashioned rubber plates for use by the prisoners. These kept the feet off the ground. When the prisoners left on the march some of them carried the shoes on their shoulders. I gave them food - tapioca and dried fish.
- Q. Did you think that the prisoners were physically fit enough to march 100 miles.
- A. Not so good. Army Hq issued orders to send 800 prisoners. About 800 were not fit for the march and I tried to keep 100 back. Army Hq said they must go. Even so I only sent 480, and kept back 40 who were too sick.
- Q. From whom did these orders come.
- A. Army Hq would issue the orders. They came through Col Naga at Kuching.
- Q. What do you know of the second march.
- A. Another report came through in April to send remaining personnel to Renau. Staff Colonel Takayama came to Sandakan in Mid April after I had had orders to send the rest of the prisoners to Renau and said "How can we move them. It is very difficult". I said that we could not. I said the march was too difficult and that plenty of deaths may happen. I made out a plan arranging to move the prisoners instead, to KANANSHI as this meant travel by boat and therefore easier. Kanashi is about 5 miles sailing from Sandakan. Col Takayama returned to Army and he changed the order and the Sandakan PWs were to go to Kanashi. I sent Morotaki and 8 guards to Kanashi to get atop for building huts. I relinquished command of PW Camp on 17 May, and on May 20 another order came from Army changing the destination back to Renau.

*certified true copy of original.*  
*affirmatively*  
*By*  
*President*

7

to AO  
Jag. of C  
Pawel

280-126  
(126)

THE STATEMENT OF CAPT. YAMAMOTO SHIGERU

Around the latter part of 1944 a large scale offensive of the Allied forces was going on against the Japanese-occupied areas in the Pacific.

After the reconquest of Leyte Is and the landing of a powerful Allied force on Palawan Is which endangered the Japanese command of the South Sea and the West China Sea, the Allied landing on the west coast of North Borneo was supposed to be impending. The successive attack on the Japanese positions and transport routes in Borneo by the superior aerial force of the Allied made utterly impossible the communication both by land or by sea.

The 37th Japanese Army Corps in Borneo had to transfer its main forces to the west coast to stave off the supposed Allied attacks on that part of the Island.

In December 1944, my battalion which had been under the command of Col Otsuka, commander of the Sandakan Unit, came under the direct command of the Army Corps.

I received the impression at that time that the Army was preparing for the impending battle on the west coast. In such circumstances I received a order from the Army Hq as follows;

1. Order of the 37th Army Corps.

(a) The Commander of 3rd Bn of the Independent mixed 25th Regiment should take the command of 1st Coy of Independent 20th M.G. Bn and march to Teolan (35 km north of Jesselton) as quick as possible. 500 POW should be taken with the Bn on the march.

(b) POW should be transferred from Capt. Hoshijima, Commander of 1st P.O.W. Internment.

(c) Supply of rations and materials should be charged by:  
From Sandakan to Teolan ..... 62nd Supply Unit  
West of Boto ..... 2nd Supply Unit  
(Okanda Unit.)

(d) Medical attention should be charged by:  
East of Bisanat ..... Otsuka Unit.  
West of Boto ..... 103rd Med Unit  
(Maj. Watanabe)

2. Instruction from the Chief of Staff.

(a) Detail plan of the march.

(b) POW must be those who would endure the march.

(c) Each should carry 4 days ration at the start.

(d) Bn should carry as much materials as possible.

Having received this order, I asked the Army H.Q. by telegram for immediate fulfillment of the items as follows:

(a) Increase of medicines and medical houses on the route.

(b) Increase of dumps of rations.

(c) Prolongation of the term of the march.

(d) Permission of the delay of arrival at the destination owing to the supposed inevitability of the struggling.

Meanwhile, I passed this order to my subordinates and told them to prepare for the march. On this occasion I instructed them that fair attentions should be paid to POW in order to bring them safely to the destination.



Then I went to Lt. Aso, Commander of the 1st Coy of the Independent 30th B.T.Bn., to pass the order, and told him in addition that although POW were to be treated with much care, in case of either Japanese or POW had to die in the way after having tried all the means that could be taken, POW could be disposed of the view of our duty to march to Toeloa and which I will take the responsibility. The reason why I told him so is that there was the apprehension that the 1st Coy might fail to come to the destination in time as it had come newly under my command and as it was to be the last of the 9 groups.

I wished to wait for a while because it would take some length of time before the system of supply would be completed and because it would be the dry season in the East Coast district from the beginning of February on. In the end of January I received a telegram from HQ to the effect that the prolongation of the term of the march and increase of the medical cases would be impossible as the rapid transfer of the forces was demanded.

Then of the 24th of Jan. I issued the order of the march to my groups which started was by one.

On 31st the 8th Group Commander received the telegram from HQ urging our start which I knew after I had reached Toeloa. At Moanet on the 1st Feb. I received the order of HQ to transfer POW to Capt. Nagai at Ranau. Most of the rest houses were situated near the stream. They accomplish accommodation for some 100 men. Some of them could accommodate 200.

The road between Sandakan and Boto was so muddy that the mud swamps and deep jungles preventing the penetration of sun light. After passing Boto the road led to a steep mountainous area covered with deep jungles. We had to ford all the rivers we came across as there were no bridges on any of them. Though the ration was scanty it was distributed equally to Japanese and POW whenever it was obtained.

We made our best to look after and carry the diseased (sick). The Japanese and POW often helped each other to carry the sick on a stretcher.

On arriving at Ranau, I received the order from HQ to transfer POW to Maj. Watanabe, Commander of the 103 Road Unit.

After having consulted with Maj. Watanabe, I arranged to transfer the POW of the 1st, 8th Groups at Ranau and those of the 6th abd up to 9 Groups at Paganetan.

The groups resumed the march towards Toeloa after having transferred POW to Maj. Watanabe.

Throughout the march we made our best efforts to carry the groups safely to the destination.

The pains and trouble of the march were shared by both POW and the Japanese.

I was not informed of the Army HQ's intentions and the reasons why we should carry out the disastrous march and why those POW should be attached to my groups.

I had to carry out the order, because the criticism on the order of the superior should be not permitted in the Japanese Army.

日本正一

YAMAMOTO Sholichi

I hereby certify that the above translation is true and correct.

G. Takahashi

INTERVIEWED: MEMBERS OF COMPANIES A AND C WHO WERE ON THE FIRST MARCH  
FROM SA DAKA TO SA AL IN FEBRUARY, 1945

Y.C.4 YAMAMOTO Seichi, Captain, and 2nd Battalion of IZUMI Force.

In January of this year I received orders from 37 Army HQ that a number of PW were to be moved from DANDANAB to GUARAN. I was to pick up the PW at Mile 9. They were to be split up into groups with an officer in charge of each group and there was to be an interval of one day between each group. Rations would be picked up at rest houses along the way and NO PW was to be allowed to fall out of the line along the way. This order must be fully carried out. The Army orders came from Gen BABA and for this reason I was very concerned. The order was sent by wireless to Col OTSURA and passed on to me through his HQ. At that time my unit was detached from ISOURA force and directly under BABA's command. I was very worried as to how to get the PW to REKAU. Cpt ABE was a company commander belonging to OKAYAMA FORCE, and was NOT one of my own men. If he had been one of my own company commanders I would never have given him the orders to kill the PW as I would not subject my men to such a responsibility. I pitied ABE in having to carry out the orders. I knew nothing about TAKEIDA having killed PW in No. 8 group. I instructed my own men that under NO circumstances should any PW be left behind at a rest house. NO matter how sick a PW was he had to be brought on.





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Q. Who did guard the airstrip?

A. The unit which guarded the airstrip might possibly have seen the AKITSU or (airstrip boy). I do not think this he was under the command of OTSUKA.

Q. Were you guarding any part of the airstrip?

A. My unit was not guarding the airstrip.

Q. How many prisoners marched with your unit to SANDAKAN?

A. Orders received stated that about 400 Prisoners of War were to go on the march.

Q. Who was in charge of them?

A. I was in charge of them.

Q. Were there any other officers?

A. Yes

TOYOMARA	1st Lt
IIVO	1st Lt
HIRANO	2nd Lt
MORINAWA	1st Lt
TANAKA	1st Lt
SIGIMURA	2nd Lt
STAO	2nd Lt
MIZUTA	Lt
ABE	Lt

Q. Are they still alive?

A. TOYOMARA had a wound in his leg and he had blood poisoning. I do not know if he has now died. ABE left JESSSELTON and I do not know his whereabouts. The rest are still alive and in JESSSELTON.

Q. How many of the Prisoners died on the march?

A. I do not know the exact figures but I think that more than 100 died on the march.

Q. What did they die off?

A. They died of malaria, beri beri, and blood poisoning from infected wounds and scotches. The latter I believe was caused because the prisoners marched bare-footed.

Q. Did you know they were bare-footed when they started to march?

A. About the middle of Jan I received orders from Army HQ to send 400 POW to TUARAN which is 23 miles from JESSSELTON. The purpose of sending these prisoners was to make them carry ammunition and equipment required at JESSSELTON. I myself decided that the prisoners were not fit to carry ammunition and equipment, but my orders were to march the prisoners to TUARAN. I did not give the prisoners shoes because I had not enough to supply them, and as soon as the orders for marching came I had to carry them out, and had no time to do anything about the shoes.

Q. Did the orders come from OTSUKA or BANAT?

A. They came from Lt Gen BANAT.

Q. Direct to you?

A. Yes.

Q. Why did you take the prisoners when they could not carry ammunition?

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*Exhibit 5 (Contd.)*

THIRD PAGE

- A. My orders were to take the prisoners to THARAK and to use them for carrying goods. I obeyed the order only in so far as I took them to THARAK.
- Q. Did you really think they could march 100 miles without shoes?
- A. I did not have enough shoes to supply the prisoners. I knew they could not march without shoes. I knew it was wrong to make them march.
- Q. Did you report it to anyone?
- A. Before marching we discussed the matter within the Unit, and I decided to make requisition for food and medical supplies, but I did not mention shoes.
- Q. What did you do about the food conditions and did you speak to MOSHIMINA himself?
- A. I made requisition to Army HQ for food and medical supplies. Army HQ replied that they could not do such things and that my orders were to send the prisoners to THARAK.
- Q. Did you discuss the whole thing with MOSHIMINA?
- A. Yes, but the food and medical requisition was my own action.
- Q. What was your opinion of the food supply?
- A. There were 9 groups. My group went out with 5 days supply.
- Q. What supplies did they pick up on the way?
- A. Food supplies were stored at various points on the trail.
- Q. Did you think you had got enough food?
- A. It was bad.
- Q. What happened to prisoners who got too tired to walk?
- A. Those that could not walk the other prisoners helped along.
- Q. What happened when they could not go any further?
- A. The soldiers watched over them and if any fell out they guarded them.
- Q. What happened to them?
- A. The soldiers would take them to the next camp later. I put out an order not to harm the prisoners but whether they were beaten I do not know.
- Q. Did you put the order out because you knew the soldiers were harming the prisoners?
- A. I did not see such things. I put the order out because I thought it was right according to the Prisoners of War Regulations.
- Q. Did any of the prisoners die on the track or at the staging points?
- A. Some died in the camps and some on the way.
- Q. How many of them were shot?
- A. Some were shot but I do not know the exact number. The officers I mentioned before would be able to tell you.
- Q. Were prisoners left to die when they fell out?

FOURTH DEGREE

*Sp. 5-10-45  
J. G. [unclear]  
[unclear]*

- A. Those who could not walk I abandoned.
- Q. Did you leave any food or medical supplies with them?
- A. If the prisoners were in camp, they were fixed up with a meal before we left; for those prisoners who fell on the trail we did nothing. I had requisitioned for medical supplies but they did not come.
- Q. Where did the prisoners finish up at THARANT?
- A. My orders were to take the prisoners to THARANT but upon arriving in RERAU a Maj MATIMASE told me he would take care of the prisoners. The first group reached RERAU with about 40 prisoners. About 10 prisoners died. Of the other groups I know nothing.
- Q. Did you have command of a group?
- A. I was in command of all 9 groups. Each group had about 40 prisoners. The number of prisoners who reached RERAU was approx 300. There might possibly have been more than 400 men when they left SANDAKAN.
- Q. Did Col. OTSUKA give you any orders about the march?
- A. No orders came from OTSUKA. Only from Army HQ. During the early part of Jan I was transferred from under command OTSUKA directly under command ARMY HQ. I received the orders by wireless but it came from Army HQ and must have been issued by Gen RARA.
- Q. To whom did you make the requisition for food and medical supplies?
- A. To the Chief of Staff Maj Gen MANAGI. Maj Gen MANAGI was promoted to Lt Gen and then went to BURMA about Mar 1945. I did all I could for the prisoners in the way of food but so far as leaving them behind and shooting them, I was guilty.

*True copy of certified <sup>true</sup> copy of original  
J. G. [unclear]  
[unclear]*



FIRST WITNESS FOR PROSECUTION.

401 Stipwitch W. H. being duly sworn is examined by Prosecuting officer through intermediaries

1 am William Hector Stipcawitch, warrant officer 1st class formerly of 8th Div, JASG now at War Graves Unit. I was taken POW in Singapore on 15th Feb 1942. I left Singapore with a force of Aust soldiers consisting of 1490 officers and men known as B force. We embarked from Singapore on July 8th or thereabouts 1942 on the Ubi Maru and we disembarked 15th July 1942 at Sandakan. From there we were moved from the ship to what was known as the 8 mile camp experimental farm. That was 8 miles from Sandakan. At that camp the general work required of the POW as laid down by the Japanese was road making at first, then construction of a military airfield, cutting of wood and building operations. About January (the latter end) 1945 we learned that there would be approximately 300 POW including English would be marched out of the camp to destination unknown. It was on about 27th Jan the parties were made up for this movement. The organisation was to be of leaving in parties of 50 daily or thereabouts and there was to be 10 parties. We left as far as I can remember on 28th Jan 45 and left the camp at about 5 o'clock in the morning - the first group of 50 and with that 50 inclusive was 1 Capt who was medical officer Capt Jeffries and WO 2 Watson was OC of the party of staff Sgt medical and 3/sgt Smythe.

Upon the Defending officer consenting, the witness is allowed to refresh his memory by referring to a statement previously made by him during an interrogation.

The second group left the following morning with 56 with a Sgt in charge and the third party left with the same number. Those parties were of 55, including the first party. The fourth group left the following day 31st Jan with 50. The reason for the breakdown in numbers was due to the condition of the men and there had been an itinerary laid down by the Japanese that there be so many parties and to do so they broke the numbers down in compliance with the parties. No 5 party left with 50 on 1st Feb and No 6 Party with 40 FSW. No 6 party started on 2nd Feb. There was a break of a day owing to the further trouble in obtaining personnel fit enough to work. No 7 party left on 4th Feb. It left with 50 FSW and No 8 party left Sandakan on 5th Feb with 50 FSW. The ninth party left on 6th Feb with 55 FSW making a total of 470 FSW including English and Australians. There were approximately as far as I can remember about 120 English among the FSW. In the march they were in the latter three parties. The party of the latter three parties consisted of mixed English and Australians and they left on a Saturday morning. The men had just on 3 years of gruelling POW life and were very worn starved and practically physical wrecks. There would only be approximately reasonably fit out of the whole lot actually about 40 men. Prior to the march they had been on a short ration, rations had been cut. The state of the rations had a state of bearing on the condition of the men. The cut was on 17th Feb 43 from 17 ounces of rice down to 12. The second cut was in March 44 and then a further cut to 10 ounces at the most in June 44 and there was a further cut to 4 ounces in Sept. The last official issue of rice issued to the PW compound in Sandakan was end of Dec, the last 10 days in December. The troops in January were living on approximately 70 ounces of rice per day with about 1 lb to 1 1/2 lbs of tinned and potatoes. Prior to each party marching out they were given by the Japanese a small pig and double issue of rice for the 24 hours prior to marching. The pig should weigh about 35 pounds. The prisoners would take some of that pig with them cooked for the first days ration. Each prisoner was issued with approximately 6 pound of rice and the party carried a small quantity of salt to be divided and for the party of 56 they were issued with 40 pound of dried fish and methed to do them the same journey. The clothing most of them had shirts and shorts

and about 10 percent of them would have a bicycle each. A larger percentage had a small boat and those with small boats were usually the party. The remainder of the party were loaded with small boats which when put on a small boat or got the boat put were an encumbrance as the boat would slip out of them and on slip ground they were very inconvenient. They carried their small gear and small boat, carried ~~the~~ one carrying a five gallon drum. That was what they got out of the camp. The party was marched outside the camp, and formed up outside the guard house. They were then loaded with another quantity of rice - approximately 200 pounds for the 100 men. These, rice were marched away by the guards of Suga Batai (as we called the Japanese, which later I learned from these guards they escorted these men out on to the main road with handed them over to old soldiers which later I learned are the Yamamoto Batai. With the nine parties there was about 30 of the Suga Batai men guards left with these parties. Some parties had 3 and some parties had 4 with them and when I arrived at Kanau on the 25th June 1945 there were only six of these men who had left Sandakan between the dates of 25th Jan and for the nine parties there were only 8 survivors. When the first march commenced it had been raining for a day prior to the march and it rained fairly heavily in the first 3 days and there was intermittent rain for the next week. There was 2 men brought back from approximately 27 mile peg and their version of the march. One of the 2 prisoners was an English man whose name I do not remember. The other was an Australian named Carter with a VA number. His unit was the 4 Reserve AT. He ~~said~~ said that the going was very tough, it rained and they were travelling through mud mostly knee deep. The hills they negotiated with sharp rises and very slippery and continually fell down and there was numerous creeks to cross. ~~They~~ They sent back (Carter) with beri beri and ulcers and on the 10th June 1945 Sandakan it took them 3 days to get back and they were accompanied by 2 Japanese guards. From the time they left their party until they got back to the 8 mile camp it took the 8 days. They told me they rode in a truck from the 12 mile back to the 8 mile which was out camp. On that return trip they only had what they could carry and day to day rations which were supplied by the Japanese. They said they ate better coming back ~~and~~ than when they started on the march. The Japanese guards who escorted them back were suffering with malaria. Carter died approximately a month after the return to the camp and the Englishman died within 10 days. I left Sandakan on 26th May 45 ~~and~~ at night and we arrived at Kanau on 26th June and enroute along that track there was evidence of the previous march. Australian's equipment and skeletons with Australian equipment and boots lying on the side of the track. The only place where I saw an actual grave of an Aust or English man who left Sandakan on the first march was at a place called Raginatan.

Defence Prosecuting officer shows map to witness.

That is a map of Borneo and the red line marked on the map is approximately the route taken by my party and the previous parties from Sandakan to Kanau.

Prosecuting officer tenders map which is admitted in evidence, marked exhibit C, signed by the President and annexed to the proceedings.

On the map RAGINATAN is shown as Matupang

Defence Prosecuting officer shows map to witness.

That is map of Borneo showing the communications.

Prosecuting officer tenders original map of Borneo which is sighted by the court and marked MFI for identification.

Prosecuting officer tenders certified copy of relevant portion of Borneo which is admitted in evidence, marked Exhibit D, signed by the President and annexed to the proceedings.

At this stage court adjourn to 1330 hrs.  
At 1330 hrs court reassemble pursuant to adjournment, present the  
Judge Advocate and same members.

Prosecuting officer continues examination of W.O.1 Stippswitch.

As the journey from Sandakan to Ranau proceeded the condition of the prisoners health failed greatly. There were many not being able to travel of the morning this being brought about by lack of food, starvation and exhaustion from the pace of the march and at night time exposure. These people that could not travel in the morning would have cramps and be unable to move. My own experience after being wet allnight it took about 2 hour to 3/4 hour to get moving as we were very stiff. As the march proceeded the men to keep going either voluntarily threw their equipment away or I had them throw it away. My personal experience of the march is and was most strenuous I being one of the fittest to leave the camp and myself I don't think I could have lasted another 8 days after reaching Ranau. The particular party of 30 that I was in charge of left the camp 59 strong. Midway the following day after several rests we had 36 in the party. Others had dropped out and I never saw them again. Then we camped at night time after that and each morning several dropped out. My party eventually got to Ranau 13 strong, and 4 days after arriving at Ranau it was 6 strong. I was in charge of No 2 party. Capt Bishop was in charge of No 1 party and that consisted of 6 men when it arrived. Out of the whole party total leaving Sandakan



There were only 183 bodies arrived at Ransau. On the 17th of July there were 40 alive. 28th August 40 alive. Out of that 40 there would be only 5 able to walk around. That is when I escaped. The march from Sandakan to Ransau took my group from 29th May to 26th June. We had 4 times, 4 rest days enroute owing to bad weather and the Japanese needing a rest also. The first march was in a slightly better position on the shore but there would be about 40 percent of the second march equally as fit as those who left on the 1st. It will be understood that this time the 2nd march took place that on the day the 29th May we were shifted out of our camp into an open space the camp was burnt down with all our medical supplies and everything was lost. At that time there was over 400 hospital patients and 200 of those patients were forced to march. When we arrived on 26th June at Ransau we learned that there were 6 survivors of the previous march but we were not allowed to contact them. The late afternoon 26th June - made the first contact and made conversation with 3 of the survivors. They were Sgt Stacey, Corporal Bird, Corporal Wexham and the latter. I cannot recall the other man's name. ~~xxxxxx~~ was an Englishman who was sick. My first question to them was "what has happened to the rest of you" and Sgt Stacey replied "they just systematically exterminated us". When I asked as regards to individuals such as WO Watson, Capt Jeffries and they related how they met their death. Some were left on the road and the Japanese guards and were never seen again. Others were starved in the way of punishment and others died of starvation and lack of medical supplies. They related also an incident which happened to the Richards where he was showing fatigue in route on the first parties and he was being pushed along by the Jap guards with the butt of the rifle and he showed resentment and the guard tied him up and he was beaten and left for dead and thrown down the gully. The next party coming on the following day heard his cries and with the Japanese guards they went down and investigated. Richards was untied and brought back up to the road. The party assisted him along for the rest of that day and they travelled with him the following day and they said that during the next day they would stop after starting off from the resting place overnight and they never saw him again. I said "where were you camped in Ransau" and they indicated their camp at the side of the air field and I asked them how they got on when they were bombed and where they were shifted to and how many were shifted to the new camp, what became of Capt Wagai and when they came from that particular camp into their present camp, how many of them originally moved in and how many they left behind. They left 10 behind in the 30 1 jungle camp Ransau which they never saw again. I asked them what work they were doing and they said they were used as a carrying party to carry rice backwards and forwards from Paganatan to Ransau and carried general stores on long walks out to agricultural areas to collect vegetables for the Japanese supply depot. They said that the going on these particular jobs was more than they could stand and they were just dying from exertion. They used to do the Paganatan and back in 3 days at first and then it was a 5 day trip. 2 days up and 3 days back. They originally started off in parties of 50 but the last party to leave Ransau camp was only 10 or 12 fit to travel and do the job. I saw a total of about 30 or more skeletons along the track. Some days we saw 4 or 5 but sometimes we only made 1. We were not allowed to go off the track or make an inspection but we could see webbing, rust boots and hats and throughout the march we knew we were following the other party as we would pick up soldiers personal gear such as a letter or paybooks. ~~xx~~ There was only one proper grave and enroute we could not go off the track to inspect these ranges and at night at rest camps we would sneak away and scout around for evidence. On the top side of the river at one place where there is a Japanese store on the Ransau side there was one place with 5 bodies together. The bodies bones were scattered around as though they had been mauled by pigs and there were 5 skulls. The total distance was 165 miles from Sandakan to Ransau. I know that distance because on our particular march a Formosan who had taken a pedometer and he said that a total walking

He had come from O. Nakan to Nakan was 104 miles. There were very few places in the track where one could see more than a few hundred yards ahead. Twists and turns taken as a route by the map as shown is not giving justice to the mileage travelled. The mountains that were negotiated there was only a track 2'0 to 3 feet wide up the side and they zig-zagged. The distance from Fagiatan to Nakan would be approximately 20 miles.

CROSS EXAMINED BY DEFENDING OFFICER

Q. And you were told were ~~not~~ not ~~XXXX~~ by the POW that they were given grueling work to do after they arrived at their destination.  
A. Yes. There were very few fit to work.

Q. And these makeshift boots you were given were alright to walk on hard dry ground.  
A. O. Hard dry ground or provided there was no sweat from the feet would slip out of them.

Q. Wasn't it easier to walk in bare feet on this soft mud than in boots.  
A. No, the reason being that the jungle track was cut down and the roots and the stubble of that jungle weed and it was sticking up in the ground and it would stick into the feet and scratch them and it was full of roots and on the high country stones were very sharp leaving the water areas and coming on to the stone areas was very hard on the feet.

Q. You haven't mentioned before anything about their feet being cut have you.  
A. No.

Q. In a Sandakan camp the conditions were very bad weren't they.  
A. Yes.

Q. And didn't the prisoners express a wish to go anyway to get away from the camp.  
A. The man who was at the Camp Capt. Usajima at that time told the POW where this party was going and there was going to be full and plenty of everything. There was to be rice and vegetables and that was the enticement with a feed 24 hours prior to the march.

Q. You mentioned before that some of the POW in the camp had to have legs supported with wood. Were those men taken on the march.  
A. Not on the first march. Some had ulcers and some had malaria and that was recurring.

Q. After your party left the camp there were no more left there were there.  
A. Yes. We left behind approximately 200.

Q. Were the Japanese left behind to guard them.  
A. Yes. There were 10 Formosan guards left behind with those

Q. Did you say that before your party left they destroyed the medical stores.  
A. Yes.

Q. Do you know on whose orders that was done.  
A. Capt. Takawa came in and inspected the camp on morning of 29th May with Lt. Watanabe and after they left the camp orders came from them giving us 20 minutes to evacuate the camp and go over into the area which was used as an agricultural plot in the disbanded No 2 camp area.

Q. Have you ever known the Japanese before to destroy the medical stores.  
A. No.

- 7
- Q. Have you any personal knowledge of the condition of the stores destroyed?
- A. They were all in very bad condition and there was a quantity of stolen goods and other things and the stores were full of stolen goods.

NO RE-EXAMINATION OF WITNESS BY PROSECUTOR

QUESTIONS BY JURY:

- Q. How many miles did your party travel in the first day?
- A. We travelled from 8 o'clock that night and rested for about 2 hours after midnight and started again at four after starting again we had come to the end of the original road and were were travelling then on a new road and we travelled right up to about the next day-noon day, covered about 120 miles approximately covered in that time 10 or 12 miles.

- Q. Early in your evidence you gave an account of quantities of rice. In Jan you had 17 ounces of rice and then it was reduced in various quantities etc. Immediately after that you said in Jan living on approximately 17 ounces of rice.
- A. By that I meant 70 grams of rice, we had 100 bags of rice to last us indefinitely in Dec. we were told that it would be at least 3 months for us to live on.

NO FURTHER QUESTIONS

Evidence is read over to witness who does not desire to correct same.



With material being used herein is examined by Prosecuting Officer.

I am a full settler. My occupation is truck driver. My address is Boyler Avenue, Antioch. My army no was 4415. and my race file and unit 4415. I was taken to in Singapore on 10th Feb 1942. In May, 1942 I was taken to the 1st Division and there were building an aerodrome. That was at Tanjong. In January, 1942 that work finished and then we got three days orders to move with a party of 400 to move to an unknown destination. I started on that trip at the end of Jan. The first day left was day and then there were parties of 50 leaving each day. I travelled with the 3rd group. I can recognise Japanese who were in that group. Witness indicates A.O. Gotanda Hiroku.

On commencing the journey we were given 3 pounds of rice, 1 pound of dried fish and an ounce of salt and there was about 1 lb of sugar given to the officer in charge of the party. We moved out the gate and down to the road and we were given about 150 pounds of rice. That rice was packed in army packs. The party of 400 carried that rice. On average the 400 carried 40 to 60 pounds, whatever he was assigned to carry. The loads of the 400 consisted of ammunition, rice, and Japanese officer's gear. The load was split up among each man. The rice was sewn up in a Hawaiian bag and the ammunition was in a bag which was made into a sort of pack and worn on the chest. There were about 10 bags of ammunition. Before we left we were issued with a pair of 2nd hand shorts and a shirt or a giggle jacket and we were issued with rubber shoes which were no good as they slipped straight off our feet. About 6 or 7 had boots and they were the boots they had had all along. During the whole march it rained about 3 days and it was very boggy being in the rainy season and the bog was above our knees a lot of the way. We had difficult crossings over creeks and going along jungle tracks our feet were cut. The country we went through was swamp and hills and no flat country at all. I would know my track shown on the map. Prosecuting officer shows exhibit C to witness.

We passed through Soto, Magatan and that is all I can remember of the names of the towns. I had no idea of the direction we were travelling. Our officer in charge of the party (Japanese) used to find us camps along the road about every 10 mile and we used to try to make them each day so we could sleep in them. We slept in about 5 camps during the march and the rest we couldn't make by dark and so we couldn't sleep in them. Most of us only had a groundsheet because we couldn't carry the blanket. We came across 5 ration points and at one stage we got 12 6 cucumbers between 40 men for 3 days, and a bottle of tapioca leaves. At some supply depots we got rice issued to us to do us for 3 days until we reached the next supply place and it would work out at about 150 grams of rice per day. At some outposts we got no rice, we got tapioca and corn instead. The last 3 days of our march we got about 1 lb of rice per day and our officer let us trade 2 blankets for a small pig at Magatan. We gave the Japanese half and we had half of that pig the second day out of Nanau. ~~XXXXXXXXXXXXXXXXXXXX~~ The Japanese had at least 3 times the amount of rations we had, bar the first five days when we had as much as them. During the period when we had the 6 cucumbers they did not have very much at that period but although I do not know how much they got, they got sufficient. Their ration was of rice. At the commencement the condition of the POW was very bad. There were men about one or two left behind every second or third day. At a morning those who were too sick to move would tell our Australian officer in charge that they could not move with the party and the Japanese Sgt or officer would count us and move us off and we would get along the road about 1 mile and we would hear shots. The Japanese officer would tell our officers that they had to shoot the men who were left behind. At times when we were marching along the road and the men were too weak to keep up and they dropped behind the Japanese would shoot them. The way I knew the Japanese shot those men was that the Japanese officer told us at night. I do not know the name of the Japanese officer in charge of us. I can remember going up a big mountain at Soto when we lost 5 men. They were shot and I myself I saw a Japanese Cpl shoot 2 of them. That day the Sgt (Gotanda witness indicates)

went ahead of the party he suggested. That night we crossed the  
 mountain and camped at the bottom and the next day we moved off  
 towards Reginatan and there was an Australian soldier whose name I  
 forget was crawling in the mountains on his hands and knees and we  
 went past him and got him to Reginatan. As we were going in we met  
 the Japanese Sgt indicating Reginatan, pointing out and he said "any  
 have you got those mosquito nets". We were carrying the mosquito  
 nets for the Japanese and he said "the Japs made us carry them"  
 and he told us to leave them behind at Reginatan. The Sgt told us to  
 leave them at Reginatan as we could never get over the hill with them and  
 he told us to just carry what we had. When we told him the Japs made  
 us carry the nets he said "any" and he asked us if we were still there.  
 We said that there were 2 men about 3 miles back, and ~~there~~ very  
 sick and the other was helping him along, so the Sgt went back to  
 them and came in with the Sgt soldier and was helping the sick man.  
 He came into Reginatan and after he arrived we asked this other  
 soldier what happened to his mate and he said "the Sgt had to shoot  
 him, he could not come any further". The journey took us 17 days  
 altogether. The total distance was about 100 miles. From Reginatan  
 to Kanao was 20 miles. I have been that distance 3 times and I  
 knew where the mile stones were and counted them. When I got to  
 Kanao there were between 100 and 200 Japs. ~~There~~ when I first got  
 to Kanao about 70 had arrived before us. I discussed with other  
 men of other groups the conditions of their trip. We worked out No 6  
 party was the worst party of the lot. The Japanese officer in  
 command of that party had about 8 Australians carrying his gear  
 besides the ammunition and rice and his gear consisted of large  
 boxes and 2 Australians used to carry the box with a pole tied to  
 the box and the pole on each shoulder. I have never seen the Jap  
 in charge of No 6 party. I never had him described to me. The  
 Japanese guards of No 6 party used to take the Australians rice  
 issue after it was cooked, they used to steal it from them. There  
 was a soldier in No 6 party who was wearing a gold ring and the  
 Japanese soldier killed him and took his ring. That is about all  
 I can remember of what was told me about that party.

#### CROSS EXAMINED BY DEFENDING OFFICER

- Q. Didn't an Australian soldier shoot an Australian.  
 A. Yes.  
 Q. He did it as a humane act didn't he.  
 A. Yes.  
 Q. At the rest camps where the sick persons could not go ahead was  
 any food left there.  
 A. No.  
 Q. The Japanese officer in charge of your party tried to help you  
 along as much as possible didn't he.  
 A. Yes.  
 Q. After you got to Kanao you were taken out of control of these  
 guards.  
 A. Yes.  
 Q. And you were made to work very hard after that.  
 A. We were carrying rice.  
 Q. Could you give me any idea of the weight of an ammunition box.  
 A. Roughly about 20 pounds.  
 Q. What did they contain.  
 A. Bullets I think, and mortar bombs.

#### RE-EXAMINED BY PROSECUTING OFFICER

- Q. Describe to the court the manner in which the Australian shot  
 another Australian.  
 A. It was on the 5th day out and this Aust Sgt started to drag

behind and said he could not carry on and the Japanese officer told him he had only about 4 miles to go to reach camp and he sort of went off his head and went insane and kept grunting at the Japs and asking him to shoot him. The Jap officer came up and the Aust Jgt kept asking to be shot and the Jap officer agreed to shoot him if the Aust officer would give him an O.K. to do it and then the Jgt started shooting, indicating accused Ostenda with a revolver and then he said he would not do it and gave it to the Australian officer and told him to do it and he agreed to do it. There was myself and ten other Australians beside the officer there and the Japanese Jgt and the Japanese officer and we moved along the road and caught up with the rest of the party and the Australian officer said that "he had to be shot, he was struggling against us when we were trying to help him and then I shot him". That was the first case of anyone being shot.

- Q. What language did the accused Ostenda speak.  
 A. He to my knowledge only spoke Japanese.
- Q. When relating the conversation which took place between you and the accused how did he communicate with you.  
 A. The Aust officer could speak Japanese and we used signs and I knew a little Japanese and could understand them.

#### QUESTION BY COURT

- Q. When all the groups had arrived at Nanau, can you inform the court as to the numbers of row that were then there.  
 A. I cannot give the exact number but there were about 180. There could be 15 each way of that approximation. There were about 180 at Nanau when the first 6 parties arrived and about 50 of them died and then 20 Englishmen came from Paganatan which made ~~approximately 140~~ about 140 and then 20 more died which left about 120 and the remainder came from Paganatan and  
 A. about 30 of them arrived there and there were about 150 there.

#### DEFENDING OFFICER BY LEAVE

- Q. How long after you arrived at Nanau did the last party arrive.  
 A. About six weeks.
- Q. Did that party come under the control of these accused.  
 A. No.

#### NO FURTHER QUESTIONS

Evidence is read over to witness who does not desire to correct any



2. The above information is being furnished to you for your information only and is not to be used for any other purpose.

1. The following information was obtained from the files of the FBI, New York Office, dated 1/10/68:

a) there is a  $\delta_1 > 0$  depending on  $\delta$  such that if  $\delta_1 < \delta$  then  $\delta_1$  is

Verifying officer signs and dates in witness.

that is my signature. The contents of the document were true to me before I signed them and it is true the correct.

defending officer's answers demanded, which in turn, resulted in evidence, Barker Exhibit 40, signed by the medical and nursing in the proceedings.

Before the tip of this march I had not seen over 1/2 mile route.  
I did not know if there was a supply of footcure in the wooded  
area.

Defendant officer shows sketch map of route to witness.

I cannot read that way.

CHUNG, S. H. and CHUNG, S. H. 1994, *Journal of the Korean Fisheries Society*, 67, 144-148.

representing officer shown as, RESEARCHER AT NEW YORK. (REDACTED) to witness.

DO YOU KNOW ANYONE WHO IS A MEMBER OF THE KKK?

2. 108 4 1000 1120 110

point out weakness, added, photo on the map.

witness indicates otherwise, there has only been one day:

2. Can you see the frog marked in red between Janssen and Wanda?

Yes.

12. IS YOUR VISIBILITY LOW DUE TO FOG, SMOG, OR RAIN?

1986年

now says they took all the prisoners back and they started from somewhere

$$A_1 = \begin{pmatrix} 0 & 0 \\ 0 & 0 \end{pmatrix}, \quad A_2 = \begin{pmatrix} 0 & 0 \\ 0 & 0 \end{pmatrix}, \quad A_3 = \begin{pmatrix} 0 & 0 \\ 0 & 0 \end{pmatrix}$$

REF. THE PRISONER TOLD THAT HE WAS ON 6 MAY 1945 AND  
DIED IN 1945.

4. The Festival was issued with the FOR COMPOUND and that was  
 all, the Festival and therefore it was not so simple.

Your date supplied.

How long do the tanks stay in water as received (time max)?

4. The first piece we found: a supply of rifles was noted.

46+ 2 7312-6 0 94320\*

where 0.14 inch in thickness is the average thickness

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Before you sign this, please read the following:

CONFIDENTIAL

and other details.

Q. What instructions did you give.  
A. Firstly I gave instructions that we were to take along POW  
I gave instructions concerning the handling of POW. That was  
all.

Q. What were the instructions you gave in regard to the handling  
of POW.  
A. With regard to the handling of POW I told them that it was  
an international problem and that they were to be treated with  
kindness and properly. During the march the place they were  
to stop at night was to be the same as the Japanese. All  
rationes supplied are to be divided equally among the POW and  
the Japanese. Medicine is very short and is to be used  
economically. During the march if there is any stragglers or  
any sick they are to take them along to their destinations  
with the Japanese and not assisting. If it was necessary to  
leave behind a POW leave him behind at a place where there was  
food and medical supplies and leave the same number of  
Japanese behind with them. I further told them that this was  
a very important task and show the real value of the Japanese  
forces. That is all.

Q. Was Abe present at that conference.  
A. He was not present.

Q. Why was he not there.  
A. Abe was stationed at a point 3 miles from Wanshan and I  
forgot to call him.

Q. Do you remember previous proceedings when you were accused on  
the same charges.  
A. Yes I remember.

Q. Do you remember this question and answer  
"What was the reason behind the fact that you gave Capt  
Abe separate orders to those you gave to the group  
commanders."

Defending officer: ~~XXXXXXXXXX~~ No reference can be made to quashed proceedings  
~~Matters not to be opened by jury.~~  
Shipson 8th Ed p 37 - matters not to be opened by jury.  
p 469 cross examination documents.

J.A. I advise court question can be allowed.  
Court allows question.  
continues.

Q. repeated.  
A. Capt Abe was stationed about 3 miles from me and as there  
was no means of communication I thought that I would  
go myself and give the orders to him. I thought this  
because the matters concerned were very important.

Q. Yes I remember it.

Q. And is that true.  
A. Yes.

Q. Why do you now say that Abe was not present because you forgot  
him.  
A. That was my mistake.

Q. What orders did you give to Capt Abe.  
A. The instructions I gave to Capt Abe were that he and his men were  
to take about 50 POW to Iwan. With regard to the receiving  
of POW that was to be agreed upon with Capt Hoshijima. With  
regard to the agreement between Hoshijima and Abe I gave  
instructions.

Q. Was that all the instructions you gave Abe.  
A. With regard to the march if food and medical supplies are not  
available on the way do your utmost and if necessary dispose

with regard to the two men, and to the fact that they were to be treated as prisoners. They were not to be interrogated, with regard to their own sleeping quarters they are to be the same as Japanese. The situation is very serious and the Japanese are to be treated as prisoners. It is an important task and we must be sure to follow your instructions carefully. That is all.

Q. What do you mean when you said that you told Abe in certain circumstances he could dispose of the two?

A. By disposing of them I meant that in circumstances where nothing could be done in regard to both Japanese and we to kill them.

Q. Did you tell the other officers that you had given Abe those instructions?

A. No I did not tell the other officers.

Q. Why did you give Capt Abe those instructions and not give the same instructions to the other officers?

A. At that particular time Capt Abe was not under my direct command but for escorting POW on this march he was put under my command, and I gave him these instructions because I thought that he may in due course of his duties come into troubles or hardships which he could not solve himself. Another thing was Capt Abe was on a very important task and I wanted to make sure that he completed the task strictly without failure. The war situation at that time was extremely and it was vital that he executed his duties.

Q. Do you remember at previous proceedings the following questions and answers:

Q. Why did you give Capt Abe such an order?

A. Capt Abe was not a member of my unit. He had to escort the prisoners and a scout was anxious about it as Capt Abe was not a member of my unit I sympathized with him for taking such a difficult and delicate business to escort two men if Capt Abe had to dispose of the two as the last resort I told him that I would take responsibility for what Capt Abe did and I shall sacrifice myself for Capt Abe when he Capt Abe had been obliged to take such a measure as I ordered and another reason for my feeling for him was that I pitied Capt Abe who had to carry out such a hard task.

Q. In your second interrogation you said "Capt Abe was not a member of my unit. If he had been so I would not have given him those orders. The reason for that being that I would not like to have given a member of my unit such grave responsibilities. I thought that it was a great pity that I had to give such orders". What you have just told us and this extract differs, which is the truth?

A. The evidence that I have just given ~~this court~~.

A. Yes I remember saying that.

Q. Are the answers you gave there true?

A. At the first trial I denied saying that, "I gave these instructions to Capt Abe as he was not a member of my unit". ATIS interpreter explains that the phrasing that the witness used was rather ambiguous and could convey the meaning ~~that that particular part of his evidence had been struck out of the court record~~.

Question is repeated by the interpreter at the request of the court

A. In the first trial I told the court that the answers in my second interrogation was not what I said.

Q. Was not the reason why you gave Capt Abe that order that he was bringing up the rear group?



A. No it was not the reason that he was at the rear, but it is the reason that I explained to the court.

Q. What arrangements did you make with Hoshijima about taking over POWs.

A. 1. That Hoshijima was to pick out healthy POWs. 2. I would like to see at a point 9 miles out and all group commanders will inform you the day before their departure by telephone or runner therefore I want you to make sure that they are there on time. 3. I would like to receive papers concerning the regulations of looking after POWs, and small details and the regulations laid down by the Army HQ in regard concerning the handling of POWs. 4. With regard to provisions I would like you to give them the provisions as laid down by Army HQ. That is all.

Q. Did Hoshijima receive instructions only through you. That is instructions in regard to the transferring of prisoners to your command.

A. Army HQ instructions was that myself and Hoshijima were to arrange.

Q. Did Hoshijima only know of these instructions because you told him.

A. There were instructions to Hoshijima from Army HQ with regard to the handing over of 500 POWs.

Q. Did Hoshijima receive those instructions straight from Army HQ.

A. I do not know about that but I presume he did.

Q. Did you make any arrangement with Hoshijima about the selection of POW to be taken.

A. That was nothing to do with me and I did not know.

Q. Do you know why Hoshijima did not hand over the full number.

A. I do not know.

Q. Did you inspect the POW before you received them at the 9 mile before they actually set out.

A. No.

Q. How long did it take you to get from the nine mile to Ranao.

A. It took me 15 days.

Q. Did you set any time limit for each group commander to complete the march.

A. There was an itinerary laid down by Army HQ, and I told them to carry that out.

Q. When did you receive that itinerary from Army HQ.

A. I do not remember exactly but I think it was on 20th January when I received this written instructions.

Q. Do you remember the following questions and answers when you were being cross examined in the previous proceedings.

"Q. Did the order from HQ actually state that the march was to be done quickly.

A. It was not in the orders. We received a telegram to this effect from Army.

Q. Exactly what words were in the telegram.

A. It said that the units were to come as quick as possible.

Q. What date did you receive that telegram.

A. I do not remember exactly but I think it was about 24th Jan."

A. Yes I remember saying something near that.

Q. Did you then mention that you had received an itinerary from Army HQ at that time.

3. Would that be the telephone you referred to here,  
4. as it was written on a piece of paper.

1. The 100 employees were to be paid 11.44 per hour, 7 days a week.  
2. The 100 employees were to be paid 11.44 per hour, 7 days a week.

4. How did you correct the missing telephone for said library in the withdrawal form above?

4. as a rule not more than 10 iterations; otherwise, the accuracy of the results is not high.

Q. Did any order from Army ... specify the date you were to leave Honduras?

20

Q. What was the date of the first order you received to cover from  
Henderson.

4. I think it was on 13th Jan.

4. will you tell us on what dates the various groups left Denmark for Havana.

A. The 1st group left on 19th Jan, 2nd on 20th Jan, 3rd 21st Feb, 4th group 1st Feb, 5th group 2nd Feb, 6th group 3rd Feb, 7th group 4th Feb, 8th group 5th Feb and 9th group 6th Feb.

4. How many row went with each group.

4. First group 30 row, 2nd group 30 row, 3rd group 40 row, 4th group 30 row, 5th group 30 row, 6th group 40, 7th group 30, 8th group 30, 9th group 30. That is what + Pancher the Figures to be.

4. what date did you arrive at havana.

4. I arrived at Hanoi on 11th Dec.

Q. What date did you leave Kansas?

A. I left on 14th Feb and headed towards Scotland.

4. How many of the groups arrived at home, before you left.

A. I was in advance and the first group unit arrived.

4. HOW MANY POW ARRIVED WITH THAT FIRST GROUP.

2. I think 40.

4. Did you ask the commander of the 1st group for any explanation why the others did not arrive.

I did not.

2. "h. not.

A. I heard from the 1st group commander the circumstances during his march.

Q. were you responsible for getting these prisoners through to the end of the march.

a. The full responsibility rests upon myself.

4. Did you make any inquiries subsequently as to what prisoners failed to get through from the other parties.

4. It is written in a statement which was tendered

Further evidence in chief introduced by defending officer by consent of prosecuting officer and court.

Defending officer gave statement to witness.

4. Are the respective figures under the headings a true result of the marsh.

Yes.

Defending officer tenders document, which is read, submitted in evidence, marked exhibit A7, signed by the president and annexed to the proceedings.

Q. How many Japanese were in Lt. Inagawa's party.  
 A. I do not remember exactly but I think there were over 40. I made out the various groups but I cannot remember.

Q. When were the documents prepared and from what figures.  
 A. That document was made before the trial started and those numbers were obtained from various group commanders.

PROSECUTION OFFICER C. WINSTON CHURCHILL:

Q. When did you get this information from the group commanders.  
 A. I made that document in the previous trials from the figures given to me by various group commanders. I also made this document with their assistance.

Q. When did you first get this information from the group commanders.

A. I received a report from various group commanders after we reached Toran.

Q. At the conference of WOs and WOJs before you left Sandakan did you lay down a timetable for their march.

A. No I did not lay down a limited time.

Q. Did you give them a discretion to march at such stages as they wished.

A. I told them to work on the plan laid down.

Q. You just said you gave them no time limit. Was that correct.

A. At that time I did not tell them at what date they were to arrive at their destination but that it was to work out to the plan.

Q. How many days for the march were given for the move from Sandakan to Toran.

A. 19 days. Within 19 days.

Q. And did the plan give any particulars of what stages should be completed each day.

A. Yes. It was marked on there with also the places where there was accommodation to sleep overnight.

Q. And how long did that plan allow you for your march to Sandakan.

A. I think 12 days.

Q. Do you remember in the previous proceedings in the course of cross examination the following questions asked and answers given.

Q. At that conference did you as certain officers had said in their interrogation lay down a time limit for the march.

A. No that is not true.

Q. You did not lay down a time limit of 21 days.

A. No I did not.

Q. So each officer in charge of a party could decide how quickly he went providing he got there as soon as possible is that correct.

A. Yes.

A. Yes I remember being asked those questions but the answers which I gave were a little different.

Q. What answers do you now say that you gave.

A. First I made a plan to march to Toran within 21 days but Army instructions came that the march was to be done in 19 days and therefore I worked it out according to the Army plan.

Q. Did you tell the court that in the previous proceedings.

A. Yes I did.



Cont. same.

Q. The first camp was at Mawait, but at Mote, one at Japan, one at  
Mawait, one at Mawait and then Mawait.

Q. What is that document you are holding in your hand?  
A. That is what I wrote just before this trial started.

Court reads document in Japanese characters is marked for identification  
MFM.

Q. At how many of those places were there medical supplies?  
A. Mawait and Mawait were the two places.

Q. Were there only 2 parties in your original plan of March?  
A. At first there was to be 10 groups.

Q. What happened to the 10th group?  
A. My first plan was to divide Capt. Lee's unit into two groups  
but as he requested me that he wanted his unit to go with one  
group because of limitations he had in his unit.

Q. Originally who was to be in charge of the first two parties of  
Lt. Lee's group?

A. I do not remember exactly but I think my first plan was that Lt.  
Lee was to be in charge of the 9th group and Lt. Lee to be  
in charge of the 10th group.

At 1200 hrs court adjourns to 1300 hrs.

At 1400 hrs court resumes pursuant to adjournment, present the  
Judge Advocate and same members.

Prosecuting officer continues cross examination.

Q. How many POW were to be allotted to each of those 9th and 10th  
groups?

A. My first plans were to allot 50 to each.

Q. And how many were actually allotted either to each of the groups  
or to both groups together?

A. There was a total of the nine groups of 400 POW.

Q. Did you actually allot a number of prisoners to the 9 group and  
a number to 10 group?

A. My first plans were to have 10 groups with 300 POW but as the  
number of POW to be given to me was entirely at the discretion  
of Capt. Moshijima.

Q. Did Moshijima allot a number of prisoners to a 10th group?

A. My first plans were to receive 300 POW which I thought would be  
about 50 to each of 10 groups but Capt. Moshijima allotted the  
POW to each group.

Q. Question is repeated.

A. I altered it to 9 groups therefore he did not allot any to the  
10th group.

Q. What was the nature of the track over which the march took place  
between Sandakan and Mawait?

A. The road between Sandakan and Mawait was a track made through  
the jungle there was a swamp and it was very muddy. Along both  
sides of the road was a jungle and swampy and it was difficult  
to walk on roads and there was no alternative way because of the  
jungle.

Q. Between Mote and Mawait was the track exceptionally hilly?

A. Yes.

Q. How high was the track go.

A. I cannot remember the height.

- Q. Did the march go on until the 1st of May, 1945?
- A. It finished on the 1st of May.
- Q. Where did you march from on the 1st of May?
- A. I marched from the 1st of May to the 1st of May.
- Q. Three thousand feet?
- A. I think the highest point was about three thousand feet.
- Q. You have said that the responsibility for getting the row through safely was yours haven't you?
- A. Yes.
- Q. Where were you travelling in relation to the first group on the march between Hanaau and Wessington?
- A. I was waiting in front of the group and was about 500 to 1000 metres ahead of them.
- Q. Did you sleep at the same place as the group each night?
- A. Yes.
- Q. Did you see what food was issued to you?
- A. Yes I did.
- Q. Was it the same food as was issued to the Japanese soldiers?
- A. Yes.
- Q. How much food on the average was issued per day per man?
- A. I think about 400 to 500 grams average per man including rice and vegetables.
- Q. Referring to document marked ~~XXX~~ <sup>Exhibit A9</sup> you say that 57 Japanese died on the march. Does this include the march from Hanaau to Wessington?
- A. That was the total number that died up to Wessington.
- Q. How many of those Japanese died between Hanaau and Wessington?
- A. I do not remember.
- Q. Did you have any communication during the march with the other parties?
- A. I communicated with the group only once.
- Q. What was the nature of that communication?
- A. At one staging point the next group caught up with us.
- Q. Did you receive any reports from the officers of the following parties during the march?
- A. No I didn't.
- Q. Did you send on any orders to them during the march?
- A. At Hanaau I gave orders that the row would be handed over at Wessington.
- RE-EXAMINATION BY DEFENDING OFFICER
- Defending officer shows document to witness.
- Q. Have the contents of this document been read to you and is it correct?
- A. Yes.
- Defending officer tenders document which is admitted in evidence, marked Exhibit A9, signed by the President and annexed to the proceedings.
- Q. Is there any indication on that document as to the stages to be covered daily by your parties according to the orders of Army HQ?
- A. Yes. The circles on the map represent one day's march.

Q. Now, at that moment is the matter correct and the report by the day, a ~~prearranged~~ ~~single~~ ~~indication~~?

A. Yes.

Q. Was you remember telling the prisoner "Lopez was about 2 days out 4 days"?

A. Yes we arrived there on the 2nd day.

Q. After receiving orders from Army No. 24 to send stages to be covered each day was there any communication between yourself and Army No. 24 during the march?

A. I did not communicate.

QUESTION BY COUNSEL

Q. In what way was Capt. Abe's task more important than that of the other group commanders?

A. ~~Anticipated~~ ~~Anticipated~~ If Capt. Abe got into the circumstances I stated before I felt sorry for him and therefore I issued those instructions.

Q. What troubles or hardships did you think would be encountered by Capt. Abe that would not be met by the other group commanders?

A. As Capt. Abe's group was the last in the march I thought that there may not be sufficient food and medical supplies.

Q. Why did you feel sorry for Capt. Abe?

A. At that particular time the war situation had changed. Capt. Abe's group was the last in the march and as I mentioned just before if there was a shortage of medical supplies which might cause a delay, that is why I felt sorry for him as he had his task to reach his destination.

Q. Are you a permanent soldier of the Japanese Army?

A. Yes.

Q. Did you graduate from a military college?

A. No I did not.

Q. When did you become an officer?

A. In 1938 I was commissioned as an officer.

Q. When did you go on active service?

A. I went to Manchuria in 1931 as a Sgt. Major.

Q. If you are a permanent soldier why is it that you did not graduate from a military college?

A. There was a special volunteer from SSG to officer for which I volunteered.

Q. What is your age?

A. 44 years.

Q. How old were you when you first became a soldier?

A. 21 years old.

Q. And have you served as a soldier ever since you were 21?

A. Yes.

QUESTION BY JUDGE ADVOCATE.

Q. Did you anticipate deaths on this march before anyone set out?

A. I did not anticipate any dying.

Q. Did you consider whether there were likely to be any deaths among the prisoners because of the conditions of the march?

A. Yes I thought about that after I started on the march.

Q. What conclusion did you come to in your own mind after you considered the march?



- Q. ...
- A. ...
- Q. ...
- A. ...
- Q. ...
- A. ...
- Q. ...
- A. ...

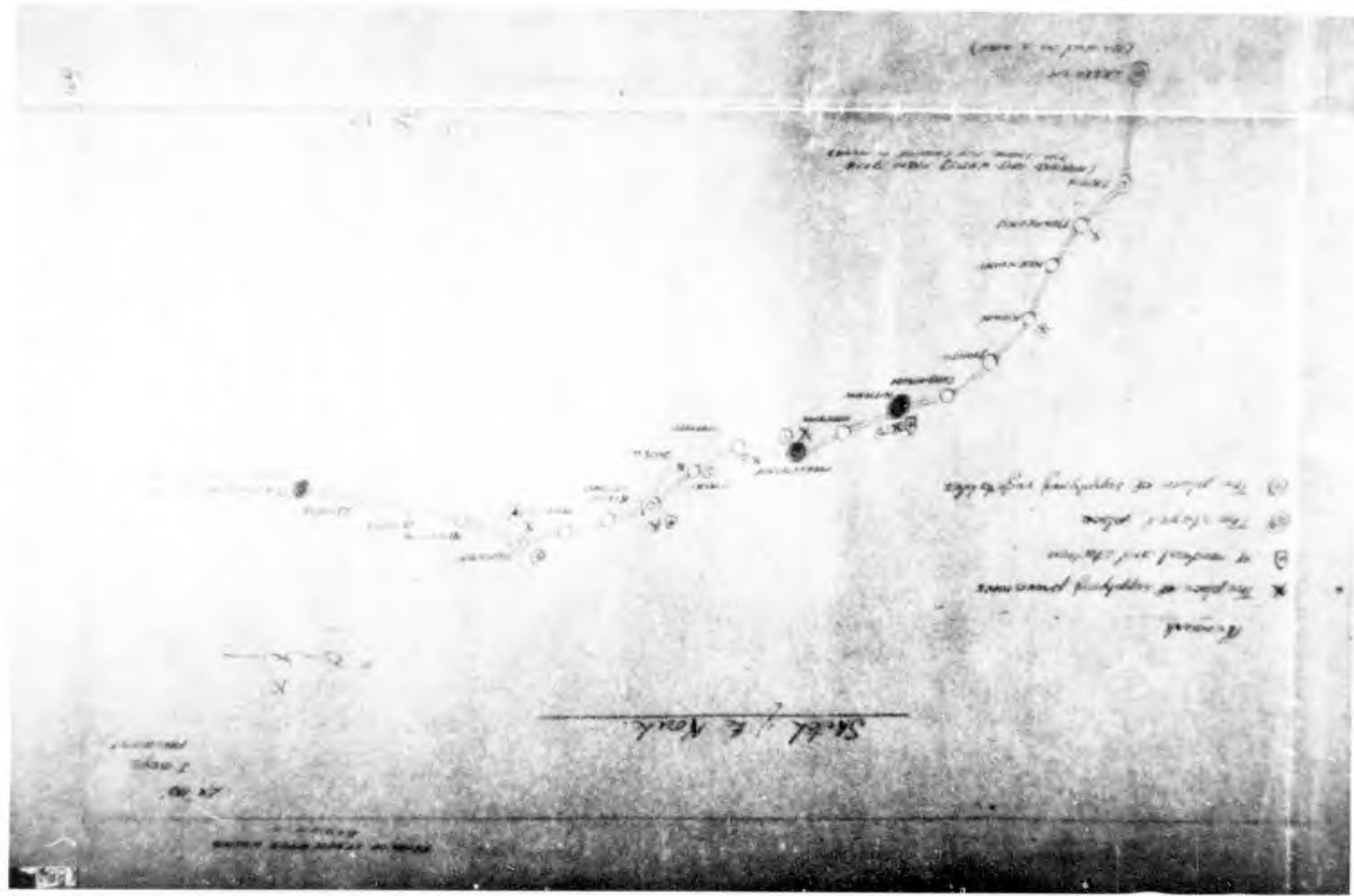
RE FURTHER QUESTIONS

Witness is read over to witness who desires to make in explanation that where he said "The total number that stood up to Jordan" it was in correct that to read "Naked in line of Jordan".

Witness does not desire to make any further explanations.

I swear that I have told the truth without adding anything.







6 pages  
Sheet No. 32

SECOND WITNESS FOR DEFENSE

T. Capt. Imai Naigoro being sworn in as a witness, testified through interpreter as follows:

Witness by direct examination: I recall the trial witness with regard to the evidence submitted and also I recall the evidence submitted by the trial.

My unit is 20th Airborne Unit.

Defending officer shows document to witness.

That is my signature on the document. It was read over to me before I signed it and it is true and correct.

Defending officer tenders document which is read, admitted in evidence as Exhibit 24, signed by the President and entered to the proceedings.

Before this march started I saw Capt. Yamamoto's adjutant. I remember before this march the instructions coming through to Capt. Yamamoto regarding this march. A telephone communication between Capt. Yamamoto and A. concerning instructions. Capt. Yamamoto received instructions from Army A. with regard to the march. He then sent his plans in regard to this march by air mail. Capt. Yamamoto made a plan of 24 days to reach Korea and sent it to Army A. Before our plane reached Army A. Army A. sent us their written plans of the march. The instructions on that written order was that the Yamamoto unit was to start on the march as soon as possible and to bring along with them food. Also there was an attached sketch which we were to take and it stated that we were to march to Korea within 10 days. After that sketch was received there was further communication between our A. and Army A. We sent a telegram to Army A. with regard to the supply of provisions and medical supplies enroute the march. We presumed that Army A. had looked over our plans and from that they had made their own plans therefore we did not communicate as regards the time. I remember giving Capt. Yamamoto certain figures of deaths after the march was over. I remember the number of Japanese deaths reported to Capt. Yamamoto. I remember it as 27. In my party it was 6. After this march I saw still Capt. Yamamoto's adjutant. The six deaths occurred between Yamamoto and myself.

Defending officer refers witness to Exhibit 1.

V. With regard to the words "we were allowed 21 days for the march" I did not say those words at my interrogation.

With regard to the words "as there was no hurry" I did not say those words at the interrogation.

With regard to the next sentence "Thirty seven Army A. orders issued orders that the march was to be expedited but this I think only applied to Yamamoto himself who was wanted there quickly" I said that at the interrogation, but I said it by mistake.

With regard to the words "there was no urgency for the arrival of our food" I did not say that in my interrogation.

CHIEF EXAMINED BY PROSECUTIVE OFFICER

Q. You do remember being interrogated in the silver December or January last.

A. Yes I remember it.

Q. Was that interrogation read back to you after it was completed.

Defending officer objects to question.

Prosecuting officer re-frames question.

Q. Did the interpreter at that interrogation report to read back to you the questions asked of you.

A. No it was not read back to me.

Q. Now have you more details about what you were told regarding the march? Now you say that you saw the march of the Japanese and you did not see any other march.

A. Yes, I did not see any other march.

Q. Do you remember stating in your evidence "I said in correct my previous interpretation"?

A. Yes, I remember.

Q. Did you then mention to the court the matter that you have just denied saying?

A. Yes, and there were some other points besides.

Q. Do you remember saying the following in evidence: In the previous proceedings "With regard to my statement made at the interrogation I said that Lt. Jato was in command of No. 1 party I made a mistake there. Lt. Jato was not in command of No. 1 party. In my statement I stated that Capt. Yamamoto followed up the march but that is wrong. He always preceded the march by 2 to 3 hours. In my first statement I said that I arrived in Japan on 20th Feb. I actually arrived there on 10th. I have no further corrections to make."

A. Yes, I remember saying that.

Q. Do you know what the order from Army re the march contained? The contents of the order was as follows: "Yamamoto unit is to start immediately, on the march to Toran. In the march you are to escort the POW. The plan of the march is as per attached sheet." There are other small details but these are the main points.

Q. When were these orders received?

A. I do not remember exactly the date but I think it was somewhere around the middle of January.

Vs

Q. Now have you just received were they the orders relayed by Yamamoto to you?

A. No, they were Army's orders.

Q. Did those instructions contain anything relating to treatment of POW on the march?

A. No.

Vs

Q. Did that order set down any time limit for the march? There was an attached plan of the march and on that it had 12 days to Toran. In other words there was a certain time limit laid down.

Q. Did that schedule detail what were to be the daily stages of the march?

A. Yes.

Q. Can you remember how many days you were allowed to reach Japan? I think it was 12 days to Japan.

Q. Do you remember a conference of all the officers in Yamamoto's unit before the march?

A. Yes, I remember it.

Q. What were the orders that Yamamoto gave at that conference?

A. The orders issued by Capt. Yamamoto at that time were that they will move immediately to Toran. In the march the unit would be divided into 10 groups for the march. To all the 10 groups there will be about 20 Japanese and 20 POW which were to be escorted. Each group commander is to receive his POW at the 10th mile point daily. During the march take particular care

in looking after the POW.

Q. Now, if during the march a POW or a Japanese could not continue the march leave him behind at a staging place where there is provisions and medical supplies. That is the main point.

Q. What is that document to which you just referred.  
A. That is a note which I made.

Q. When did you make that note.  
A. I wrote that before this trial.

Q. Did you write it after consultation with the other accused.  
A. No.

Q. Did you write it after consultation with your solicitors.  
A. No.

Q. Have you recently discussed the nature of the orders given by Yamamoto with the other accused.  
A. No I have not.

At 1630 hours court adjourns to 0900 hrs on 23rd May 1946.

At 0900 hrs on 23rd May 1946 court reassembles pursuant to adjournment, present the Judge Advocate and some members.

Q. Did you have a party of Japanese who were behind the last of the POW in your group.  
A. No I did not have any. The POW marched in front and the Japs were walking behind them.

Q. How many men did you have walking behind the POW.  
A. The whole party walked behind.

Q. What about the Formosans.  
A. The Formosans had nothing to do with us and they were marching ahead of us.

Q. What steps were taken to keep the POW moving if they wanted to go more slowly.  
A. During the march we would march for 40 minutes and rest for 10 minutes and we marched in a group.

Question is repeated.  
A. We walked for 40 minutes and rested for 10 minutes and during that period they would catch up with us.

Q. In other words they were allowed to straggle.  
A. That is not so.

Q. What do you mean that during the 10 minute rest the stragglers would catch up.  
A. The party was stretched out and then closed up in the 10 minute interval.

Q. Did POW at any stage straggle.  
A. Yes.

Q. What was done about them when they did straggle.  
A. In that case we left behind another POW and a Japanese soldier and they would come up afterwards.

Q. Did any of the POW actually die on the track between rest houses.  
A. None died in between.

Q. You refer in your statement to a POW dying after arriving at Maudun. How long was that prisoner ill before he died.  
A. I do not know exactly how many days he was suffering from illness but I think about 2 days before he died.

Q. What was the nature of the track for the 2 days travel before reaching Maudun.



- Q. The track was rather flat now it was in the jungle now muddy, we also had to ford rivers or creeks.
- Q. How deep was the mud?
- A. When I passed through that creek the deepest place it was around 20 centimetres and in some places it was in centimetres.
- Q. Do you think that because the men had to march 2 days through those conditions that he might have died more quickly?
- A. I think that may have been so.
- Q. Two of the Formosans with your party fell out sick and they not.
- A. Yes.
- Q. Did you give them permission to fall back?
- A. Yes. I did not control the Formosans and they wanted to stay back and they did so.
- Q. What did they do for food?
- A. They had provisions they had brought along from the new ground and I did not see anything about it.
- Q. ~~XXXX~~ You heard W.O. Atipewitch the first witness's evidence.
- A. Yes.
- Q. You remember he referred to a very steep hill.
- A. Yes.
- Q. Whereabouts is that hill?
- A. I think it was in the vicinity of Milimo.
- Q. How far was it in distance from the bottom of the hill to the top?
- A. I think it was about 4 or 5 miles.
- Q. Do you remember in the previous proceedings the following questions which were asked of you by the court ~~XXXXXX~~ ~~XXXXXX~~ and giving these answers.
- Q. Who planned the program for the marching of No 1 group so that it would reach Hana in 14 days.
- A. Capt Yamamoto made the plans for the march and No 1 group was part of the whole program and marched according to the plan made by Capt Yamamoto.
- Q. Who decided on the daily legs of No 1 group.
- A. I do not think those were specifically an "Army's orders".
- A. Yes - remember saying that.
- Q. Were those the answers you gave.
- A. In explanation to the question the plan was laid down by Army A, therefore I said it was not laid down by any specific person.
- RE-EXAMINED BY EXAMINING OFFICER
- Q. How many days did your party take to go from the starting point to Hana.
- A. Fifteen days.
- QUESTION BY COURT
- Q. Earlier in your evidence you said "did not query Army A, plan ~~xxx~~ re march as Yamamoto considered Army A, had already considered Yamamoto's plan for march". How could this be so when according to you Yamamoto received the plan from Army A, before Army A, had time to receive Yamamoto's plan.
- A. The plan which Capt Yamamoto sent went by air mail and the plan from Army came about 2 days later, and so I presumed that they had sent it.
- NO FURTHER QUESTIONS
- Evidence is read over to witness who does not desire to correct and I swear that I have told the truth without adding anything.

7

Page 1100 - Witness to further questions by court.

Page 1100 36

- Q. Are you a soldier in the Japanese Army?  
A. I am in the Reserve.
- Q. Did you graduate from a military college?  
A. I did not.
- Q. When did you become an officer?  
A. Sept 1941.
- Q. When did you first join the Army?  
A. Sept 1941.
- Q. Have you served as a soldier ever since that date?  
A. Yes.
- Q. When did you first go on active service?  
A. In Sept 1941.
- Q. What is your age?  
A. 36 years old.

Evidence is read over to witness who does not desire to correct same.

I swear that I have told the truth without adding anything.

飯野 茂

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THE STATEMENT OF CAPTAIN MIYUO MIYOSHI  
AND BATTALION INDEPENDENT MIXED BORN RESIDENT

I was ordered to march from Sandakan to the west coast of Borneo with 30 Japanese and 20 POW, as the Commander of 4th group.

Although our Unit had been sent from Japan three months before and it two-thirds were suffering from Malaria, it was thought to be one of the well-conditioned troops among the Japanese forces in Sandakan.

It could not be imagined that the POW, who had been interned for three years would be in the same condition as us.

When I received POW on 1st of Feb. 1945, I thought their conditions fairly endurable to make a journey, but it became clear on the afternoon of the 1st day that the bad condition of the road and the difficulty to overcome it was far beyond my expectation.

Since then we have lost 4 Japanese and 10 POW during the march of 165 miles in 18 days. The rest houses in the route were provided with neither medical personnel and medicine nor sufficient food to restore the party from fatigue. Several times we carried sick POW by stretchers. To leave them on the way meant their death.

The utmost difficulties on the way made us reach our destination four days later than the expected term of the march. In spite of our best efforts to carry them safely, 4 Japanese and 10 POW died on the way.

It was the order of the Army Headquarter that compelled us to venture such a painful and disastrous march.

I think that our effort were appreciated by the POW who thanked us and regretted very much when we started from Ranau to Toalan.

水田 龍一  
MIYOTA RYUICHI

I hereby certify that the above translation is true and correct.

S. Takahashi



6 pages

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At 1630 hrs the Court is adjourned (to allow the accused to receive medical attention and treatment) to 0830 hrs on 17 Jan 46. The accused being unfit to attend on 17 Jan 46 the President adjourns the Court until 0830 hrs 18 Jan 46. Capt. B.L. Judd, A/DPMO 9, Aust. Div who has examined the accused informs the President that the accused is fit for trial at 0830 hrs 18 Jan 46.

At 0830 hrs 18 Jan 46 the Court re-assembles pursuant to a Government Present. The same members as on 16 Jan 46.

#### THIRD WITNESS FOR THE DEFENCE

Col TAKAYAMA Hikoichi, having made a solemn declaration through a sworn interpreter, is examined by Defending Officer.

I am Staff Officer HQ 37 Jap Army.

Q: Have you ever been to SANDAKAN ?

A: Yes.

Q: When ?

A: Middle of April 1945.

Q: Did you go to the SANDAKAN PW Camp at that time ?

A: Yes.

Q: For what reason ?

A: To inspect the conditions at the PW Camp.

Q: Did Capt. HOSHIMIZU tell you that concerning the PW march to RAMAU under their present conditions would be difficult ?

A: Yes.

Q: Did he also tell you that it would be better to evacuate the PWs to KEMANANGI instead of RAMAU ?

A: Yes.

Q: For what reason did Capt. HOSHIMIZU suggest the PWs march to KEMANANGI instead of to RAMAU ?

A: At that time he did not give a reason, but later on this is what he said: He made a proposal to Col SUGA about evacuating the PWs to KEMANANGI and Col SUGA in turn put this suggestion to Army HQ who then suspended their decision.

Q: And while ~~XXXXXX~~ you were there did you observe what the food conditions/the PWs were? of

A: I saw a part of it.

Q: Can you tell us what the conditions were like?

A: What I saw of it a large area was being cultivated with tapioca. I heard from Capt. HOSHIJIMA tens of acres were being cultivated for this purpose. He also told me that he was having a very hard time trying to get food for the compound.

Q: Did you see at that time a POW sign on the ground in the Compound?

A: Yes.

Q: Did HOSHIJIMA tell you anything with regard to this sign?

A: Yes. I did not ask for an explanation but Capt. HOSHIJIMA said that the sign was put there for the safety of PWs from aerial attack.

Q: And is it a fact that HOSHIJIMA had to remove this sign by an order from Army HQ?

A: I remember that through an order by Southern Army, 37 Army sent a telegram ordering the removal of the POW sign.

Q: Was it HOSHIJIMA's suggestion that the order was received that the sign should be removed?

A: I do not know, but I don't think it was.

Q: Is it a fact that units in SANDAKAN were prohibited to buy foodstuff directly from ~~civilians~~ natives?

A: Yes.

Q: What unit was concerned with the supply and rationing of food in SANDAKAN?

A: I do not know.

Q: Is it a fact that about January 45, 37 Army HQ sent an order to SANDAKAN for 50 PWs to be sent to the airfield to work?

A: Yes but I think it was in February.

Q: Did they carry out this order?

A: No. I remember they did not.

Q: What was the reason?

A: I remember that Col SUGA said that it would be difficult to send PWs to work in the airfield.

Q: Did he say why it would be difficult?

A: I think he said that there were not 50 PWs in the compound fit enough to work on the airfield.

Q: Did he give any other reasons for the PWs not being able to work?

A: I remember that he also said that as 500 PWs had previously left on the march to RANAU there were only very few healthy PWs left.

Q: Do you know Capt. HOSHIJIMA personally?

A: Yes.

Q: Can you give us an idea of his personal character?

A: Capt. HOSHIMIZU was a very systematic man. Also he was a very deep thinker and an upright man. These are my impressions of him.

Prosecuting Officer cross-examines witness:

Q: In 1944 and 1945 nearly all the PW compounds had their own gardens didn't they?

A: Yes, I remember that they all had their own gardens.

Q: Was that as a result of instruction from HQ?

A: I remember that no special order was put out to this effect.

Q: This POW sign was outside the actual wire where the prisoners were confined and in among the other buildings wasn't it?

A: When I saw it there ~~was a~~ sign, one inside, and one outside.

Q: This order forbidding the buying of food by PWs from natives was an order issued by Capt. HOSHIMIZU was it not?

A: I think this order was issued by Army.

Q: But PWs were able to purchase food with their own money through the canteen with ~~their own money~~ weren't they?

A: Yes, I think that was it.

Q: Do you actually know if the ~~the~~ order was issued by HQ or are you just assuming that?

A: I remember that Army HQ issued an order prohibiting all units purchasing food from natives.

Q: When you visited SANDAKAN in April 1945 did Capt. HOSHIMIZU make any requests to you as a Staff Officer HQ 37 Army relative to the PWs other than you have already mentioned to the Court?

A: We did not discuss any orders issued by 37 Army HQ, and I cannot remember now what else we talked about.

Q: Can you remember any other requests relative to the PWs?

A: I ~~think~~ remember that he did not request anything else.

Defending Officer re-examines witness:

Q: All orders issued to SANDAKAN PQ Camp - were they issued directly from 37 Army or did they come through Col SUGA?

A: 37 Army issued the orders to Col SUGA.

Q: When Capt. HOSHIMIZU had any requests to make ~~if it was official to make it through Col SUGA?~~

A: Yes.

Questioned by the Court:

Q: When you visited SANDAKAN in April 1945 were you considering the advisability of removing the remaining PWs to RAJAU?



7  
A: Yes.

Q: Was it your duty when you returned to 37 Army HQ to recommend whether they should be removed to RAMAU?

A: No.

Q: Were you to decide the matter ~~at~~ the spot? I mean, did you make the decision while at SANDAKAN?

A: No.

Q: Who did make the decision?

A: Army HQ.

Q: Who at 37 Army HQ?

A: ~~Responsible~~ The Army Commander.

Q: Do you mean General BARRA?

A: Yes.

Q: And did you give him any advice before he made that decision?

A: I talked to him about the conditions of the PWS.

Q: What did you tell him?

A: I talked to him about living conditions and cannot actually remember what I said, and also about the farms they were cultivating in their area.

Q: Did you tell him whether in your opinion the prisoners were fit or unfit to undertake the march to RAMAU?

A: No.

Q: Was it not part of your duty to do so?

A: No. I did not go to SANDAKAN for that object.

Q: What was the reason for your visit to SANDAKAN?

A: I went to inspect the SANDAKAN area defence system.

Q: Was your visit to SANDAKAN related to the fact that they had failed to provide labour to the aerodrome 2 months before?

A: No.

Q: When ~~did~~ you visited the Camp did you form any opinion as to the physical condition of the prisoners?

A: I thought their condition was not very good.

Q: Did you try to find out why they were in poor condition?

A: No.

Q: Did you wish deliberately to remain in ignorance?

A: No.

Q: How long were you at SANDAKAN?

A: I can't remember but I think about one week.

Q: Did you inspect the prisoners?

A: I did not inspect their living quarters.

Q: I take it that you saw the prisoners themselves, or most of them as a body?

A: I only saw a small part of them.

Q: Where?

A: Between the Compound gate and the office.

Q: Then your opinion of Capt. HOSHIJIMA's running of the Camp was based purely on what you were told and not what you saw?

A: The majority of it was hearsay but I saw the farms and the POW sign as I said before.

Q: But you did not at any time see the living quarters, <sup>detention</sup> barracks or food did you?

A: No.

Q: What was the physical condition of the PWs you saw?

A: Healthy.

Q: How many did you see?

A: I can't remember rightly but about 5 to 6.

Q: Do you remember earlier in your evidence when asked by the Defending Counsel the purpose of your visit to SANDAKAN you replied "To inspect the conditions of the PW Camp"? and when asked by the Court the same question you said you went to inspect SANDAKAN area ~~defences~~ defences? Which is the truth?

A: The first question put by the <sup>Defending</sup> ~~Commanding~~ Officer asked me whether I went to the Camp and for what reason. I answered to that that I went to see the Camp. And my answer to your question for what reason I went to SANDAKAN was to inspect the defences. Both answers are right.

Q: That being so and you being a professional soldier of many years experience, would not ask this Court to believe that you had carried out your intention of inspecting conditions at the PW Camp after having seen only 5 or 6 PWs in one place between the Compound gate and the office, would you?

A: No that is not so.

Q: Was it not part of your duty as a Senior Officer of General HABA's staff to acquaint him with all the information that was material to a decision to move the PWs to RANAU?

A: Yes.

Q: Did you report to him on the PWs and their fitness or otherwise to undertake the march to RANAU?

A: No.

Q: Did you consider that the question of whether the PWs were physically capable of surviving that march was a matter of such little importance

that it was unnecessary to deal with it in your report to General BARR ?

A: I only reported on what I had gone to SANDAKAN for.

Q: Were the conditions at the PW camp, including the knowledge of the death rate and the starvation of the prisoners, due to lack of food as well known at 37 Army HQ that it was unnecessary to comment on it ?

A: I do not know whether they were acquainted with the conditions but it was not my duty to report such matters.

Q: Did you advise General BARR that there should be moved from SANDAKAN to RAHAT ?

A: No.

Q: Did you advise him that they should NOT be moved from SANDAKAN to RAHAT ?

A: No.

Q: Did you give any information or advice to any senior staff officer of 37 Army HQ on this matter ?

A: ~~Nothing~~ No.

Q: ~~Nothing~~

R.P. 83(B) complied with.

#### FOURTH WITNESS FOR THE DEFENCE.

OGA M. Hirose, having made a solemn declaration through a sworn interpreter is examined by Defending Officer.

I am Intendance 1st. Lieutenant and my unit is 37 Army HQ.

Q: From what time until when were you the CO of the Field Warehouse at SANDAKAN ?

A: From February 1944 until November 1944.

Q: During that period was the Field Warehouse issuing rations to the POW camp ?

A: Yes.

Q: Then do you know the ration scale laid down and the ration that was actually supplied ?

A: I have already made a chart which I would like to present at the present time. (I now present this document. (This marked Exhibit 33, read, signed by the President and attached to proceedings).

Q: Are the figures in that Exhibit just tendered and the figures which were actually received, the same ? - or is there any difference ?

A: They are the same.

Q: Were they exactly the same ? - or was there some little difference.

A: From October 1944 meat and fish became very scarce.



**WITNESS FOR DEFENCE**

TAKUYA, Rikichi having made a solemn declaration through the sworn interpreter states :-

My rank is full colonel ~~TAKUYA Rikichi~~ and I am from 37th Army HQ. I am Chief of Staff of the 37th Army.

Defending officer examines witness :-

Q. Did you go to SANDAKAN at any time during April or May 1945?

A. I went there about the middle of April.

Q. While there, did you go to the SANDAKAN PW camp?

A. Yes, I did.

Q. While you were there did you see or receive any reports on the conditions and health of PW?

A. I received a report from the camp commandant.

Q. What sort of a report was it?

A. The report said that the health of the prisoners was not good.

Q. While you were there did you see any gardens that had been set up by the accused in order to provide the compound with food?

A. When I went there Capt MASHIMA was the camp commandant. He had made gardens and was growing various types of vegetables for the benefit of the camp.

Q. Did you see any signs saying that that was a PW camp?

A. I did see signs that had been made so that Allied planes would be warned that it was a PW camp.

Q. Was there anything else besides the things which I have asked you about that you saw at the PW camp?

A. No, I did not, but I received a report that the camp commandant was very anxious and worried about the condition and health of the PW.

Prosecuting Officer cross-examines witness :-

Q. Is the Borneo PW Unit under command 37 Japanese Army?

A. No. However, the 37th Army can give them orders on certain things.

Q. ~~Were 37th Army HQ aware of the fact that in May of this year many PW in SANDAKAN camp were dying from malnutrition?~~

A. We did not know how many were dying or from what cause they were dying, but we did know that there were PW dying there.

Q. And I put it to you that you also knew that the prisoners were not receiving any rice at all?

A. I do not know anything about the camp concerning that period of time.

Q. Is it not a fact that you knew from what you saw when you visited that camp that none of the prisoners in it would be fit to undergo a march to RAJAH on foot?

A. At the time I was there there were some who could do a march like that and then there were others who could not.

Q. Now, did 37 Army order this march to RAJAH?

A. Yes, 37 Army HQ did give this order.

Q. What was the name of the officer who gave the order?

A. ~~The order was put out by the GOC, Lt Gen RIMA.~~

A. The order was put out by the GOC, Lt Gen RIMA.

Q. Now, it was said that you received reports from the guards as to the condition of the prisoners, didn't you?

A. I was not at the HQ at that time so I am not certain, but I believe he did receive reports.

Q. Now did he order that the prisoners be moved from SANDAKAN to RAHAT irrespective of their physical condition?

A. As I was not at the HQ I do not know the orders of the order.

Q. Do you know whether your HQ issued an order to the effect that any prisoners who were unfit to continue the march were to be killed?

A. I have not heard anything about that.

QUESTIONS BY THE COURT

Q. It is said that of over 5,000 prisoners at SANDAKAN, six are now alive; as a senior staff officer what have you to say about that?

A. I think that it is a very regrettable business.

R.P. 60 B is complied with.

Witness retires.

WITNESS FOR DEFENCE

IKAWASHI Manabu having made a solemn declaration through the sworn interpreter, states:-

My rank is lieutenant Colonel, General Staff Officer 37 Japanese Army.

Defending officer examines witness:-

Q. Between May and June 1945 what were your duties?

A. I was in charge of the operational areas during this period.

Q. Regarding the movement of the PW at SANDAKAN to RAHAT, did you know anything about this?

A. Yes I did.

Q. 37 Army HQ issued an order for the PW to be marched to RAHAT, what were the main points of the order?

A. The orders were issued to the commander of the ~~1st~~ <sup>1st</sup> ~~camp~~ <sup>camp</sup> at SANDAKAN to march his prisoners to RAHAT and ~~he would~~ <sup>he would</sup> request assistance from the GUSUMA Unit ~~at SANDAKAN~~ <sup>at SANDAKAN</sup> and the WAKABANE Unit at RAHAT, and other units in between. That is the main principle of the order given by the supreme commander. According to the order given by the supreme commander, the chief of staff officer issued instructions that regarding the march, the various units ~~at SANDAKAN~~ <sup>at SANDAKAN</sup> concerned at SANDAKAN ought to discuss about this matter.

Q. And what was the reason for the march to RAHAT?

A. First reason was because of the war conditions on the ~~east~~ <sup>east</sup> of BORNEO namely MONTAI, CHIRAS and LAYTE. Also, we ~~knew~~ <sup>knew</sup> that the Allied air force were gathering numerous planes at MONTAI in preparation and also the operations at LAYTE were becoming worse and Australian troops had landed at TAWARAN; besides this, the GUSUMA Unit informed us that the Allies were probably going to land at SANDAKAN and from other intelligence reports we decided to move the PW. The second reason was that the Japanese strength at SANDAKAN at that time was about 1,000 and as ~~their~~ <sup>their</sup> line of defence was very long we did not have enough troops to cover all that area and should the PW be left in SANDAKAN they would become troublesome and endangered. Third reason. The food supply position had become difficult as supply ships could not enter SANDAKAN and we did not know when the next supplies would arrive. The PW rations were very short so we decided to evacuate them to a place where ~~there~~ <sup>there</sup> they would be comfortable.

Q. What was the date of the message?

A. 20th May.

Q. Regarding this order, did you know what the purpose was?

A. Yes. A message was sent from TAJIKUWA. That message said that order was issued to move the PWs to the 30th May. Only the PWs who were fit to march, only the PWs who were fit to march.

Q. And so that message did say that?

A. We were very concerned and sent the following message. Send only the healthy ones to the 30th.

Q. Was this message sent by air?

A. We sent that message by air with second highest priority.

Q. Do you remember the date and time you sent that message?

A. I cannot say exactly but I think it was the 20th of May.

Q. About July 1945 did Army HQ issue an order to the 30th May Camp that the PWs were to be used in transporting weapons of the 30th Unit?

A. We did not say to use the PWs but the orders stated to use all the available strength and transport weapons from 30th to 30th. These orders were issued to Major General.

Q. In the march between 30th and 30th, do you know how many Japanese soldiers died and what the conditions of the march were?

A. I cannot remember the actual figures but many died and I can quote one instance when cavalry troops under Major General ALAMI, marched from 30th to 30th but only 40 arrived, around the 20th of May.

Q. Can you remember other instances besides this?

A. There are other instances but I can not recall them.

Prosecuting officer cross-examines witness :-

Q. Is it a fact that your HQ knew that nearly all the prisoners at 30th were sick and suffering from malnutrition?

A. Yes, we were aware that many PWs were sick.

Q. Is it a fact that the original order was to move the lot irrespective of their condition?

A. Yes, the Chief of Staff issued those orders.

Q. And it was after those orders were issued that TAJIKUWA sent you the signal which you mention in the Court?

A. Yes.

Q. Now on what date did you receive the signal from TAJIKUWA?

A. I think it was on the 20th, and it arrived on the same day.

Q. Is it not a fact that TAJIKUWA sent his message on the 20th and not the 30th at all?

A. It was on the 20th that the first message was sent from Army HQ and I think it was the 20th when TAJIKUWA sent his message.

Q. And the position is that you are not sure of the date when 30th Army HQ received the message from TAJIKUWA?

A. I cannot tell exactly but I am pretty sure it was the 20th.

Q. Did the original order that was sent from 30th Army HQ say that the prisoners had to move on the 20th May?

A. There was no date of departure in the orders, but as this was an operation order TAJIKUWA was expected to carry it out as soon as possible.



A. Do the same day that it arrived.

A. Because of the high priority, the message was likely to reach him on the same day it was sent or the following day.

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A. No, nothing like that was said.

R.P. 85 D is complied with.

Witness retained.

The Court is closed until 0730 hours 5 Jan 48.

At 0630 hours 5th January, 1948 the Court reopens.

**Fifth.** ~~There~~ witness for the DEFENSE.

OTSUMA Mitsuru. Colonel. 883 Ind. Inf. Batt. Commanding Officer.

having made a solemn declaration through the sworn interpreter is examined by the Defending Officer.

C. What was your duty at BASHARAH.

A. I first arrived in SAIBAKU II on 13th November, 1942, but after three months I was transferred to SIAM for one year and I arrived back at SAIBAKU in March, 1944.

My duty was ~~the~~ to take charge of the Garrison at SANDWICH.

Q. Do you know anything about the movement of P.W.s from SANDAKAN to RAHAU about the end of May, 1945.

A. Yes I do.

Q. What date did these prisoners leave.

A. I think it was 25th May.

Q. Was your unit connected in any way with movement of P.W.s

A. Lt. SUZUKI of the TSURAMUKI Force was ordered to assist in the security of the P.W.s on the march and he was to take 100 men with him.

Q. Do you know anything else about the departure of these P.W.s namely, the difficulty of marching them because of their weak physical health and the message that was sent to Army H.Q.s to this effect and the awaiting of an answer to this message.

A . Yes I did know of this.

Q. You were the commanding officer of the Garrison Force at SANDAKAN at that time so could you tell me what the conditions were.

A. The strength was ~~2,000~~ 1,500 to 1,600.

Q. Did Captain TALANUMA start the P.W.s on the march in such short period because of the existing circumstances.

A. Yen.

Order examined by the Prosecuting officer.

Q. Was Captain TAKAKURA 'a unit under your command whilst they were at BANTAMAN?

Q to Capt MATSUME - Do you wish to give evidence yourself as a witness?

A. Yes.

Q. Do you intend to call any other witnesses in your defense?

A. Yes, sir.

Q. Are they witnesses as to character only?

A. Yes.

Takuo  
Capt MATSUME having made a solemn declaration through a sworn interpreter is examined by defending officer.

My name is TAKUO Takuo and my unit is Bomber PW and Internment Unit, and I was in charge of the SANDAKAN PW Camp. Upon orders I took command of the SANDAKAN PW Camp on 24 April 1945. I was not told what my duties would be so I wrote soon to HUGHES asking them for advice so during that time I really was not responsible for the PW Camp until 17 May 1945. On that day I received an order from Army HQ stating that as SANDAKAN was being subjected to Allied bombardment which also included the PW Camp, it would be best to evacuate the prisoners, to KALANGSI. I found that these orders had been received after I had taken over from HOSHINO. HOSHINO was not quite sure if there were enough rations for the prisoners at KALANGSI, so for this reason he sent 1/Lieut MONTAGUE to KALANGSI to see the place. Then on 10th May as they found out it was no use sending the prisoners to KALANGSI, Army HQ ordered them to be evacuated to RAJAH. In the orders it stated that all the PW were to go to RAJAH and to be put into the compound with the other PW already at RAJAH and that I was to take command of the RAJAH camp and also to close down the SANDAKAN camp. At this time in SANDAKAN, there were many sick prisoners and I thought if they were to be moved to RAJAH at least 400 would have to be carried on stretchers. There were very few who bear the trip to RAJAH the rest would probably break down after two or three days marching. After thinking all this out I thought that if I carried out these orders from HQ and marched the lot to RAJAH, many of them would die, so I sent a message to Army HQ giving them the facts and asked for further advice. In the meantime as I had already received orders I had to act on it and make preparations. In the meanwhile I waited for an answer to my last message but up to the day I was supposed to leave none came. As the meanwhile being bombardment had become fiercer and even the PW camp was being bombed and strafed. Some of the British PW became casualties in these air attacks and the head of the British PW requested that they evacuate from the camp. Also in the Australian camp, over ten were killed from the result of these air attacks, and then the officer in charge of the Australians also requested that they be evacuated. A lot at that time British torpedo boats were bombarding the shore and on the 27th a heavy naval bombardment started followed by an aerial attack by hundreds of planes. The garrison unit (OTSUKA Unit) had taken up the defense positions and then on the 29th OTSUKA Unit received an intelligence report from Army HQ saying that one division intended landing on SANDAKAN and two divisions at MUDAT. Following this the OTSUKA Unit took up their positions on the 11 mile point. This left the PW Camp as the closest unit to the coast so I thought that it was best to withdraw back for the safety of the PW. Then we received an order from the OTSUKA Unit telling us to escort the Japanese sick patients and to evacuate them. These orders were sent to 1/Lieut SUZUKI at the hospital, he came to show it to us, so I sent Capt MATSUME to Liaison OTSUKA Unit. He arrived back that evening at 6 o'clock and we left at 6 o'clock that night. The reason for leaving at night was so that we would not be seen by aircraft. As the enemy were supposed to land on the morning of the 30th, we had very little time for preparations. I decided to carry out my original orders and called the officer in charge of the British and Australian PW for a conference. As I said before, no reply was received to my signal to Army HQ so I decided to leave the sick PW behind and send 800 of the best conditioned prisoners forward. Even then I did not think that many of these 800 would survive the trip to RAJAH. So after telling the British and Australian officers in charge to send 800, they got together 11/1 SAG for the trip. The road from SANDAKAN to RAJAH was in a very bad condition and thousands of Japanese soldiers had died on the way.

I gave each prisoner two days rations of rice which included  
one piece of meat. I also gave them some food for cooking  
on the journey and advised them to take blankets and any clothes  
they wanted to. Army HQ had ordered that the PW were only to  
receive 100 grams of rice a day but I knew this was not enough and  
gave them 150 grams. I also wanted to give them medical supplies  
but as this was very scarce I could not do so. I requested some  
from the Japanese hospital but was refused. It was the same with  
supplies for PW and Japanese soldiers were arriving from Sumatra,  
in separate lots. The Japanese soldiers were receiving more  
medical supplies than the PW and as they were able to bring some  
on the march, but as they had plenty of rice to carry they could  
not bring too much. I then talked by officers and men together  
and issued out orders. The orders I issued were that as the march  
would be difficult and PW probably ill of illness on the way,  
and fall out ~~because of weakness~~ because of weakness the soldiers were to  
do everything they could to help them along, but as the enemy would  
be landing and advancing quickly those PW who could not go on any  
more and were likely to die ~~should be put out of their misery~~  
~~by being shot~~ ~~by being shot~~ ~~by being shot~~ ~~by being shot~~  
would hamper the Japanese army and could be put out of their misery  
by being shot. It was said that the Japanese soldiers had more  
reserves than the PW, this is because all Japanese soldiers carried  
reserve rations with them and which were not issued to the prisoners.  
It was for this reason that I gave the PW 500 grams per day, but  
prisoners who fell down on the march used to throw their rice away  
so I ordered all the rice to be taken off the PW and put together  
for safe keeping. Then as there were eleven groups of PW, I divided  
this rice into eleven parts ~~for each group~~. With  
regard to the PW compound at Sukawan, this camp could accommodate  
2,000 PW and as I thought the enemy would utilize the buildings  
when they landed, I ordered the whole buildings to be burnt.  
I left one building standing to house the 500 sick PW that were  
left behind. I also left them a stock of rice. I also left  
20 or 30 thousand pieces of tobacco and spinach to enable the PW  
to regain their health. I left orders with Sgt Major MURAKAMI  
that when the 7 sick PW regained their health they could be marched  
to BAKAN also and that Lt MURAKAMI would take charge of them  
when he returned from BAKAN. As I had completed preparations  
for food and the march, I also left MURAKAMI. PW who died on  
the way could not be buried as we did not have any shovels so I  
ordered them to be taken into the jungle where they could not be  
seen by people from the road. After I left BAKAN the death  
rate of sick PW increased greatly. ~~Some had been living with~~  
~~the Australians~~. It was the same with the Australians as we  
had been together for the last three years and had become affectionate  
towards each other. So the Japanese soldiers had never thrown  
away the dead bodies of PW and the soldiers took the dead bodies  
of PW ~~in~~ and treated them ~~humanely~~ reverently. I have also seen  
during the trip, Japanese soldiers treating the PW well and giving  
them food and tobacco. At ~~XXXX~~ MUANAD I gave each PW ~~XXXXXX~~  
three days rations of 100 grams each. This was repeated at XXXX  
and at XXXX. I gave them each three days rations of 100 grams  
per day. At XXXX I gave them two days rations of 100 grams per  
day. This was the way I supplied them with rice but besides this  
I let them gather the rice that was left by the dead PW. I also  
let them gather bamboo shoots, bananas and other roots on the way  
to cook at night. Therefore I do not think there was such a great  
difference between the PW ration and the Japanese ration. As I  
said before the journey was very difficult and many sick fell out  
on the trip. Also, every day there were quite a few attempts to  
escape, so I ordered that those attempting to escape could be shot,  
as they could not stop running even when told to stop, as there were  
some cases when the Japanese soldiers killed prisoners attempting to  
get away. Therefore when I said before in my statement that about  
90 were killed this number included those who attempted to run away.  
The number that succeeded in escaping was 54. Of the 54 that left  
Bakawan, 183 arrived in BAKAN. As the BAKAN PW camp was also being  
bombarded by Allied planes the camp shifted to the 110 mile point  
and I took the PW up there. When we reached BAKAN I found that  
there was a shortage of food, so when the remaining PW arrived in  
BAKAN I could only give them 100 grams per day; although they could  
get vegetables before, the position got worse at BAKAN and no  
vegetables were procurable. On the 2nd July I was wounded in the  
leg and confined to bed and I took every step possible to procure  
foodstuffs by ordering soldiers to do so. As they managed to get  
some tobacco from the field ~~XXXXXX~~ and also kill a few bottles  
of which the intestines ~~XXXXXX~~  
and other meat were given to the PW, but this became impossible  
later on and the death rate from those PW from BAKAN grew  
higher every day. Also there were other attempts to escape.



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As the position became more and more critical and others were attempting to escape as I did and have my men the PW to carry rice and other belongings to the KATH Unit, I decided it was best to dispose of them as they became very cumbersome. As on the 1st of August I issued orders that all the PW were to be killed. This order of killing the PW was entirely based on the necessity of our operations and another reason was that the Jap command at that time had ordered us to take such a desperate action towards the PW. One fact or thing, it has been stated that the PW were killed with machine-gun fire also, this I don't know. The machine-gun we had in the compound was only mounted for anti-aircraft purposes. This can be proved by the 10 ammunition which was left at KATH and was from 300MILL. Capt KATH has a record of the number of rounds he brought to KATH and not one round is missing. As I had issued the orders to the PW and soldiers to kill the PW and being a military order // it had to be carried out. The entire responsibility is on my shoulders. I in turn had to carry out the original orders from Army HQ to march these PW from 300MILL to KATH which I could not refuse to carry out the order.

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

Defending officer ~~XXXXXXXXXXXX~~ - examines accused

- Q. In Sgt Major STICKWICH's statement he said that 340 sick were left behind in 300MILL, should this be true?
- A. Yes.
- Q. Also, he said that on the 28th of May rice was issued to the PW but this was later ordered to be given back, is this true?
- A. As I said before, as the sick PW who were dying on the way were throwing the rice away, I gathered all the rice together and split it into the eleven groups to be issued daily.
- Q. Also, Sgt Major STICKWICH stated 145 PW arrived in KATH including 70 Australians and 65 British, but you say 100 arrived, which is right?
- A. 185 definitely.
- Q. STICKWICH also said that when you burnt the compound down at 300MILL you burnt all the records and PW papers although this was requested to be saved by the PW, is this true?
- A. In the bank there is 20,000 Yen belonging to the Australians and over 300 Yen belonging to the British and I cannot remember any request for this money to be taken along by the PW.
- Q. Another point in STICKWICH's statement, Capt KATH got his face slapped for waving // // two sheets as a Red Cross flag to overhead, is this true?
- A. I do not know when this took place but between 17th May to 17th May I was not in 300MILL so I do not know about this.
- Q. Is it also true that when you burnt the camp you burnt some medical supplies with it?
- A. With respect to this I ordered the medical sergeant-major to take all the medical supplies he could and leave the rest to the hospital but as there was no time to take the rest to the hospital I suppose it was burnt with the compound. Actually we had no ~~XXXXXXXXXXXXXXXXXXXX~~ medicine left for the PW and very little opium. The medical supplies that were burnt were surgical instruments, bandages alcohol and other medicines used for operations.

The court is adjourned until 0900 hours 4 January 1946.

The Court reconvened at 0900 hrs on 2nd Jan 1946.

Present: The same members as on 1st Jan 1946.

Accused, TAMURA Tadam, resumed his seat on the witness stand, and is reminded that he is on his former oath.  
Prosecuting Officer cross-examines witness:

Q: Is it a fact that you never received any orders from 37 Army HQ regarding the removal of PWs but only got your information from KOSHIMIZU?

A: The orders to evacuate the PWs to ~~KOSHIKAWA~~ KOSHIKAWA were sent to Lt. KOSHIMIZU, but when these orders were changed to RAMAU they were sent direct to me.

Q: Who signed the order on behalf of 37 Jap Army HQ?

A: It was a signal message and there was no signature.

Q: You did not receive any orders from 37 Jap Army to kill the prisoners did you?

A: No, no orders were issued to kill the PWs. Only to evacuate ~~KOSHIKAWA~~ all the prisoners to RAMAU.

Q: What was the name of the Australian officer whom you may requested you to evacuate the PWs from KOSHIKAWA?

A: Capt. ~~KOSHIKAWA~~ COCK.

Q: Do you mean to tell the Court that he suggested they be moved to RAMAU?

A: He did not specify any place to evacuate to.

Q: Do you deny that on 15th May last all PWs who were in KOSHIKAWA camp were weak, and thin and suffering from malnutrition?

A: Yes, they were weak and thin and suffering from malnutrition.

Q: Isn't it a fact that there was not one PW in the whole of the camp who was fit physically to undertake a march to RAMAU?

A: This is not so. There were about 200 healthy ones who were used in the kitchen and on working parties.

Q: Is it a fact that before you left KOSHIKAWA that you made up your mind to kill any of the prisoners that fell out of the march?

A: I gave orders to my officers and men before leaving KOSHIKAWA to do all they could for the PWs on the march, but if any happened to fall out and could not continue, as it would delay us, and be a burden under the war operations, it would be best to kill them.

Q: Were you trying to prevent these prisoners from falling into the hands of the enemy?

A: Yes. And also because I was afraid they might influence the natives against us and give information to the enemy.

Q: Now you didn't leave any medical supplies with the PWs when you did leave at KOSHIKAWA, did you?

A: No I did not leave any medicine.

Q: And you knew before you left that many of these men, would die from lack of medical supplies, didn't you?

A: Yes I knew that some would probably die but we did not have any internal medicines to leave them.

Q: Isn't it true that after you left KOSHIKAWA you sent an order to Lt. KOSHIMIZU to kill any of that PWs who were still alive?

A: No this is not true. When I left KOSHIKAWA I sent KOSHIMIZU to still at KOSHIKAWA and I sent a message to him saying to bring the PWs who recovered to RAMAU and to do all he could for them. A PW in the orders I said that should they fall out on the march and be unable to carry on, that it would be best to kill them.

Q: Do you know whether in fact any of these men did die or were killed?

Q: Before you left EASTMAN how long did you estimate this work would take?

Q: And yet you only issued the JWR with ten days' rice, didn't you?

Q: You left these 16 PMs behind without orders didn't you?

Q: Will you admit then that you were entitled to Disney orders in certain circumstances?

Q: ~~anyway~~ Is it not a fact that where you think an order is unlawful or practically impossible to fulfill you are entitled to disobey it?

Q: Did you order your guards to beat these prisoners to keep  
them moving fast?

Q: Would you say that they did beat them frequently.

Q: Isn't it a fact that before you began this search you knew most of the designers would die before they reached RAMP 7.

Q: Will you agree that only a very small proportion of the 363 who did die, died ~~unnatural deaths~~ otherwise than by being shot?

Q: No Japanese soldiers died in the war, did they?

Q: What did they die from?

41. *Helaria*.



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Q: All those who did arrive at Mandal were weak and very ill when they got there, weren't they?

A: Yes.

Q: And they never regained their health again did they?

A: That is so.

Q: Isn't it true that of those that did arrive, apart from two who escaped, all but 33 had died before the 1st August?

A: Yes that is so.

Q: Was Capt. WATANABE in charge of the disposal of the sick PWs who fell out on the march?

A: I do not think he was in charge of them.

Q: Isn't it a fact that you passed your orders to Sgt. Maj. TSUJI through Lieut. WATANABE?

A: Yes, I passed these orders to Sgt. Maj. TSUJI through Capt. WATANABE but he had nothing to do with the disposal of PWs.

Q: Why did you insist that every guard had to take part in the killing on the march?

A: I did not insist on the guard but I told TSUJI that if there were any PWs that could go no further they were to be disposed of.

Q: ~~XXXX~~ What was your reason for killing the 33 PWs on 1st Aug because they were weak and too ill to be of use to the Japanese?

A: There were not the only reasons. The biggest reason was because the PWs might attempt to escape, also there was a shortage of food and they could not transport rice or carry weapons for the KAWAN Unit.

Q: Would you deny that no Allied forces ever landed within 100 miles of any position occupied by your troops between 20th May and 1st August last?

A: I did not know of this. I personally thought they were much closer.

Q: Is it not true that Capt. WATANABE knew before he ever left SANDAKAN that all the PWs who were ill and fell out, were to be killed?

A: Yes, he did know.

~~XXXXXXXXXXXXXXXXXXXX~~

Defending Officer re-examines witness:

Q: You said that there were about 50 killed on the march from Sandakan to RAU - were they killed because they simply could not move at all?

A: Yes, but those shot while trying to escape are also in that 50.

Q: It has been stated that it took 26 days to get from SANDAKAN to RAU - is this the correct figure?

A: It took 26 days, arriving there on the 16th day.

Q: It has been stated that 10 Japanese soldiers died on the march. What percentage of the total Japanese involved does this constitute?

At 10 per cent.

Q: Yesterday, I saw some of the officers of the Japanese Army and Navy of 1941. In it it said that there had been given for only the healthy few to be taken or liberated. The sick ones were to be left behind and they were completely cared and then they were released. Did you know anything about this?

A: No, I never received this news at all.

H.F. 63 (3) completed with.

Accused, TADAOKA, Petitioner, and his witnesses stand.

SECOND witness for the defense:

YAMAGUCHI, Capt. Capt. having made a solemn declaration through a sworn interpreter and read by Defending Counsel:

My name is YAMAGUCHI Tadamasa. My unit is the 50th Unit. I went to the Japanese Army Camp on 1st June 1944. I became an Officer of the 7th Japanese Army on 1st Sept. 44. I was stationed at KUCHING for 11 months and at MANILA for 12 months. While at KUCHING my CO was Lt. Col. SUGA. When I came to MANILA my CO was Capt. TADAOKA and later on Capt. TADAOKA. I was ordered by these three to look after the prisoners well and see that they had good conditions and good treatment all the time. I then passed these orders on to my NCOs. There were quite a few times when the situation became difficult but we always did our best to see that the prisoners were well taken care of. From about July or August 1944 we started to receive Allied air-raids. Foodstuffs became scarce and what was grown in the field was burnt by enemy air action. Also from about that time the number of Japanese soldiers in the MANILA area greatly increased. Because of this the food situation became much worse. The natives said that due to enemy air activity their crops had been burnt and so they could not give us any. We then did our best to grow foodstuffs ourselves. Due to growing our own foodstuffs we were able, even in during the period of Jan and Feb 45, to obtain about 1000 bottles of vegetables a day. We also made an effort to grow tapioca for our own purposes. We did our best not to use the tapioca we grew ourselves but to keep it in reserve in case of a very bad period. We did our best to obtain tapioca from other sources and we often had quarrels over this with other Japanese units in the area. The vegetable and tapioca position was not too bad but meat and fish were scarcely obtainable. In February 45 Capt. TADAOKA sent officers out to other units in an attempt to procure more fish. These officers managed to obtain some fish but not a large quantity. Once Capt. TADAOKA even killed his own horse and gave the meat to the sick Japs. We also went out and shot wild buffalo in order to obtain more meat. We also killed cattle and secretly distributed the meat. This action of ours was unlawful. The Doctor of the Hospital and there did all they could to get medicines as the stock was running low. We did all these things so that the best possible could be done for the Japs. Then the war situation became very bad and we received orders to take prisoners to MANILA. We set out from MANILA on 15th May 45. In order that the compound at MANILA would not be bombed we constructed boards 10 metres square and wrote on them in white paint the letters "PW"; we put these boards on the ground around the camp. However we were ordered by 27th Army HQ to remove them. We did all these things in order that the prisoners would be well looked after but enemy air raids greatly increased and there was fear of an early landing. Due to this the Army HQ ordered us to leave and so we set out on the trip to MANILA. I went along in the march. There were 27 members from the 50th Unit in the OCHIMARU Battalion who came to assist us in guarding the prisoners on the march. There were 13 men from our unit that went along. These were divided into three groups, one group being attached to the 50th Unit, another group under Sgt Major TAMURA and a third group under my command. Every day the Japs were split into three groups. The first group leaving at 0600 in the morning and the other two at half hour intervals after the first group. Then at about 1200 hours I started out with my group of guards and Sgt Major TAMURA started out about 12 o'clock.

My group would get the same information as the prisoners that were killed by the machine gun. They would be killed by the machine gun. However, if the prisoners didn't come out of the group, they would be killed by the machine gun. They would be killed by the machine gun. Every morning the prisoners in the three groups would be checked around and I would give the Major Tami orders as to what time to start and what to do. Then the group would leave an hour and a half after the prisoners and one hour before the group. My group would usually reach the meeting place for the night at about 4 o'clock and the Major Tami's group would arrive about 5 o'clock. After his group arrived Major Tami would come to me and make a report on the number of prisoners who had been shot, died of sickness or escaped. Then I would take this figure to my superior. In this manner we proceeded to Kishu. We did all we could to see that as many PWs as possible made the march. Sometimes the Japanese guards would carry what luggage the PWs had for them or give them a little extra food or do little things to make things a bit more pleasant. On one occasion I saw a prisoner being abused by Japanese guards while making an attempt to escape. I remember that I made a report to the effect that five prisoners had attempted to escape and while one had succeeded the other four had been shot. When we arrived at Kishu the prisoners were quite weary. There was a shortage of food and although we did our best to get and obtain more it was not possible. We did receive supplies from the Kishu Unit which was not enough. Now and then we would go out at night and steal cattle which would kill and share the meat with the PWs. Although we did all this it was still far from enough and the death rate increased all the time. The death rate increased until there were only 33 prisoners left. My OC told me that ~~xxxxxxxxxx~~ all of them were very sick and would die sooner or later that they should be shot. It was 1st August 1945 when he gave me these orders. The prisoners and the Japanese guards had been together for three years and had become friendly with each other. The Japanese soldiers had no wish to kill all the PWs both on the march and later on at Kishu but they were given orders by their superior officers and they had to carry them out. Some of the MGs and men refused to do this but I told them that it was an order and had to be carried out. In BRIDGEMAN's statement read yesterday it said that Capt TACHIBANA and myself had visited the compound at Kishu at 9 o'clock on the morning of 31st May 1945. It also said that he saw the compound medicines and other things being burnt. This is not correct. It also said that I had been asked to supply a Red Cross flag or other type of markings which could be used to show the Allied bombers that that was a PW and that I had refused this. That is not true. As I stated this morning we had constructed signs that had been ordered by Army HQ that they were not to be used. I would like to state again that we had no wish whatsoever to kill the prisoners but had been forced to do so by order given to us.

Defending officer further examines witness :-

Q. Were there any mistakes in Capt TACHIBANA's evidence, the lot of which was read back to him this morning?

A. No, there were no mistakes.

Q. How were the dead bodies of the prisoners disposed of during the march? Was a machine gun used to kill the prisoners?

A. The bodies of the PW were taken into the jungle and where possible were buried and ~~xxxx~~ where not were covered over with dead foliage. We did have a machine gun on the march but this was never used. When we arrived at Kishu we accounted for every round that we had started out from Kishu with.

Q. In your interrogation report you stated that you heard firing every day, is this right?

A. No, that is not right.

Prosecuting officer cross-examines witness :-

Q. Is it a fact that all the prisoners who were at Kishu on 31st May last were sick and suffering from malnutrition?

A. No, there were healthy PW who worked in the kitchens and did various other jobs.



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Q. What was the average death rate among the prisoners in SANDAKAN camp during the period of immediately preceding the 7th May?

A. Five to eight men a day.

Q. Would you deny that these men died from the effects from malnutrition?

A. They did not all die from malnutrition.

Q. Is it not a fact that before you ever left SANDAKAN you knew that most of the prisoners you were taking on the march would die on it?

A. I estimated that of the 500 only 100 would get there.

Q. Did you discuss that with TAJARUWA?

A. No.

Q. Is it not also a fact that you knew the 33 who were left behind would very shortly die?

A. Yes, I thought that they would all die sooner or later.

Q. They did not have sufficient medical supplies or food, did they?

A. There was no shortage of food but there was not any medicine that could be given to them.

Q. And it is a fact that they were left out in the open, ~~wasn't it~~ wasn't it?

A. I do not know if they had to sleep in the open or not, but when I left there was a number of small buildings in which they could have slept.

Q. Is it a fact that all the 33 who were left behind either died at SANDAKAN or between SANDAKAN and RANAU?

A. I do not know where or what number died as I came to RANAU and did not hear anything about it.

Q. You know that TAJARUWA ordered MURUGUMI to dispose of all the PW who were left behind? didn't you?

A. I do not know if TAJARUWA said that to him or not.

Q. Do you agree that the march from SANDAKAN to RANAU was the main cause of the death of all who got there except the 33 who were shot?

A. Yes, I do.

Q. Did you know that it was wrong for you to have the 33 survivors shot?

A. Yes, it was a bad thing but orders had to be obeyed.

Q. Now, is it not a fact that it is not necessarily correct for you to obey an order which is obviously wrong?

A. In the Japanese army once you have been given an order you must carry it out.

Q. Is it a fact that you supervised the carrying out of the three killings of the surviving prisoners?

A. Yes, I passed on the orders that had been given to me by my O and saw that these orders were carried out.

R.P.33 (B) is complied with.

The accused retires.

Statement by Captain TAKAKURA Takuo. W.C.S.

I, TAKAKURA TAKUO, testify as follows -

On the 26th April, 1945 I first received orders from 37th Army H.Q. that I was to commence duties with the Borneo P.W. Unit. The order did not state where I was to commence duties as I communicated with H.Q. of Borneo P.W. Unit, KUCHING. On the 17th May, 1945 I took over duties from Captain HOSHINUMA at Sandakan P.W. camp.

While I was in Sandakan I received my orders relating to the treatment of P.W.s from 37th Army H.Q. and also a confirming order from Lt. Col. SUGA at Kuching. All 37th Army instructions had first to be confirmed by Col. SUGA before I acted on them. Normal channels for instructions for SUGA Unit was from the Information Bureau, TOKIO, through ~~Reisei-shokun~~ to H.Q. 37th Army thence to Col. SUGA. At the last when the war situation deteriorated and these channels closed 37th Army issued orders direct to Col. SUGA who was then bound to obey these instructions. When I took over Sandakan Camp there were regulations regarding the administration of the camp in existence. These set out how the P.W.s were to be treated and fed and how the guards were to ~~express themselves~~. ~~Express themselves~~ towards them. Rice supplies to Sandakan had been cut off during the time of Captain HOSHINUMA and I was unable on taking over to issue the quantity of food then laid down. When 37th Army were informed of the food position they issued fresh ration instructions with which I was able to comply. The Japanese received their food rations through the army but P.W.s only had what they grew themselves. I officially issued no rice to them while I was there and I consider that they did not have sufficient to live on. I tried to get rice for them but orders forbade it so I let them have the tapioca they were growing. Captain HOSHINUMA himself during his period of administration had often demanded an increase in rations for the P.W.s from 37th Army H.Q. but to no avail. 37th Army was fully aware of the condition of the P.W.s

On the 29th May, 1945 I left with 536 P.W.s for Ranau. It was originally intended by 37th Army to move the P.W.s to Kemaman, but there was insufficient food there and instructions were changed saying to proceed to Ranau. I was told by 37th Army to take all P.W.s regardless of their condition. I therefore signalled back to Army H.Q. saying there were 400 stretcher cases and 200 could not walk and only about a fifth would reach their destination. I also pointed out in my signal that the staff officer at 37th Army H.Q. was fully aware of these facts. I received no reply to this signal and interpreted this as confirmation to carry out the previous order. On my own responsibility I left 288 P.W.s behind and later was reprimanded for this. Besides my Formosan guards I had extra guards from OTSUKA Unit. These were made of the remnants of OKAYAMA Force who had been left behind in hospital. 2/Lt. SUZUKI (at present on LABUAN) was in charge of these.

I instructed ICHIKAWA (Q.M.) to arrange for ration points along the route. The first point was at the 49 mile where ten days rations were issued. After this rations were distributed by him travelling two days ahead of the main party and from time to time allowing it to catch up and again issuing further ten days supply. There were no medical posts along the route to look after those P.W.s who became too sick to travel. My initial plan was to leave those that became too sick to travel behind with someone to look after them but the numbers were so great that this scheme proved impracticable. I therefore instructed S/M ~~TSUJI~~ TSUJI to bring along whatever P.W.s that he could and as a last resource to shoot the P.W.s rather than leave them behind to die. These orders were issued on my own responsibility and were not issued from any higher authority. I was in a theatre of war and believed that the enemy were behind me and had to act on my own initiative. When I arrived at Ranau I reported to Major WATANABE Yoshio. When I told him that I had been forced to kill many of the P.W.s on the way over he said it was a very difficult march and could not be helped. From Boto to Ranau I was in territory commanded by Major WATANABE and it was he who instructed me to take the P.W.s to the 110 1/2 mile camp and stay there. At this camp the food position was just as bad as in Sandakan. There was no food

TAKAKUMA Takuo Statement (continued)

in Ranau. This had all been used by troops staging at Ranau on route to Kemunggu. I discussed the situation with Major WATANABE who said it was no use applying to the Q.M. department for rations as they did not have any and vegetables could not be supplied. About the end of July Major WATANABE instructed me to send some of my soldiers to Kelawat I believe for rice. About 15 or 20 went and brought back 20 kilos of rice. All the P.W.s were dead by the time this party returned. When I first arrived in Ranau Major WATANABE wanted to know if the P.W.s could be used on work. I told him that even if they were given a full ration of 300 grammes of rice a day they were still too sick to work so he said to me to do the best I could with them.

(X) See paragraph inserted at the end of the statement.  
As far as I know Major WATANABE was not aware of my intention to dispose of the P.W.s on the 1st August. I did not confer with him on this subject and disposed of them on my own responsibility. Although in bed I knew what was going on in the camp through 1/Lt. WATANABE. I knew that I would have to move in the near future and rather than be encumbered and hampered with sick P.W.s thought it best to kill them. My other reasons were that there was no food and I feared that they would all escape. When the order to move finally arrived all the P.W.s were dead.

The movement order from 37th Army H.Q.s told me to make the P.W.s available to KANNO BUTAI (Machine Gun unit) to assist them in carrying their ammunition to Beaufort and it did not matter if they died while employed on this task.

The Camp at Sandakan was destroyed on orders received from 37th Army H.Q.s. An Allied landing was expected there on the 27th May and all installations in the area were to be denied to the enemy. Consequently the barracks were destroyed so that the enemy could not use them. I know these orders were in existence since I had prepared the plan for the defence of Sandakan area. For this reason I destroyed the barracks.

I, TAKAKUMA Takuo, solemnly affirm and declare that the above statement is the truth, the whole truth and nothing but the truth.

(Sgd) Takuo TAKAKUMA

HK HASEGAWA  
I,.....certify that I have this day read the above statement to the declarant in Japanese and I solemnly declare that I have truthfully and faithfully conveyed the meaning of the English to the best of my ability.

(Sgd) HK HASEGAWA

Declared before me at LABURN on 12 Dec 1945

(Sgd) JB ORAM Lt

Re In the course of a conversation with Col OTSUKA on 27 May 1945 before I left SANDAKAN, he mentioned that under the present conditions it would be inadvisable to leave any P.W.s behind while marching to Ranau. Far better that they should be disposed of as they would be in the way of any fighting that took place along the track. On many occasions prior to this Col OTSUKA had expressed the opinion that it would be better if all P.W.s were dead.

(X) When I reported to Major WATANABE, Yoshio on my arrival at Ranau and he learned that the P.W.s would be of no value for working parties he expressed the opinion that it would be better if the P.W.s at Ranau were to die off quickly implying that they might be assisted to die. I told him that they were receiving 100 gms of rice per day at the moment and that this was not enough for them to work on. I suggested increasing the ration to 300 gms per day but he said that they had already tried that before on the Ranau P.W.s and that they were still unable to work on it. He therefore refused my request to increase the rations.

I certify that I have compared the within statement with the original statement of Captain TAKAKUMA Takuo and that it is a true copy thereof.

.....Lt. Col.  
President.



1 page.

Exhibit F

FILE 401

President,

STATEMENTS BY 1 LT. WATANABE Sanjo

Made in the presence of Lt. J.T. Oram 30 Nov. 45

I, Lt. WATANABE, Sanjo of SUGA BUTAI and TAKAKURA TAI landed at Kuching about 8 Sept 42 and stayed there until 30 May 44. I then went to Sandakan arriving on 2 Jun. 44. I was adj. to Col. SUGA and later performed adj. duties at the P.W. camp. Document for movement from one camp to another passed through my hands.

On arriving at Sandakan I carried out the same duties as at Kuching under CAPT. HOSHIOJIMA. HOSHIOJIMA was Comdr. until May when TAKAKURA took over. When I arrived MAGAI was there but he left 10 days later with the P.W. (100) for Labuan. I heard that later some of these P.W. was to BRUNAI under S/M SUGINO.

On May 29 1945 I moved to Ranau with P.W. on orders from Army H.Q. We were informed that an Australian landing at Sandakan was imminent and other reasons for movement being the severity of air-raids at Sandakan. Capt. TAKAKURA was i/c and I was S i/c for the movement. 2 Lt. SUGIYAMA from OKAYAMA BUTAI was also present and in addition were S/Maj. TSUJII S/Maj. ICHIKAWA (C), S/Maj. FUJITA (MED), OZAWA (CIV. INTER), the last named for 4 days only.

I remember S/Maj. STICPENWICH. There were 536 P.W. in the party on leaving camp. There were 91 English and 439 Australian P.W. At 2100 hrs. on 1st. day of March 4 P.W. returned to Sandakan by truck from 11 mile. WO STICPENWICH assumed charge of no. 2 group. There were only then 6 short. Total 530.

On leaving Sandakan I had no nominal roll of P.W. for movement. At the end of the asphalt road at end of the first day I called for nominal rolls of all P.W. then present. These were supplied by squad leaders. The first check from nominal rolls revealed discrepancy in numbers of about 6.

I gave orders for FUKUSHIMA & TSUJII (S/Maj) to come along at the rear to make out list of dead & put such P.W. in the jungle. These men were assisted by other guards who were changed round from time to time. The last 2 soldiers to join the force at Sandakan were SUZUKI, Mitsuo and KOBAYASHI, Tetsuo.

3 parties of MG camp, to Tambunan in charge of YANO, Shoji and another. They were also OC of 3 party and I do not know the names of the OC of the other one party. I do not know who they are now.

Throughout the march from Sandakan men dropped out along the track and others could not move in the mornings and were left at the previous night's camp.

I remember the total destruction of Sandakan camp on 29 May 45. The P.W. were allowed to take some documents or medical supplies from the camp. There were burnt by us. A P.W. was only allowed to take what he could actually carry, the rest was left behind and destroyed. This was all done on TAKAKURA's orders and I was present while the destruction was carried out. I do not think that the destruction of the medical supplies was ~~justified~~ humane, or lawful.

About 183 English and Australian P.W. arrived at Ranau out of the 536 that left Sandakan, of these 142 were Australians, and also 1 Australian who died on last day was carried in dead. Of the 353 unaccounted for 54 escaped and about 80 were ill and were put out of their misery by being shot. They asked for death rather than be left behind. I do not know exactly how did reports show ~~exactly~~ accurately how death occurred. FUKUSHIMA & TSUJII dragged bodies into the jungle. At TAKAKURA's orders soldiers were told to dispose of sick P.W. and to see that none were left behind. I was i/c of ~~the~~ the disposal of sick P.W. but was not present at the killings.

I moved with the rear group with the exception of FUKUSHIMA's party. Each morning all those P.W. who were unable to travel were placed in groups for FUKUSHIMA & TSUJII. The disposal of these P.W. was done behind me and I never knew who killed them.

I arrived at Ranau on the 25 June 45 and camped at the foot of the mountain 2 miles from Ranau. Next day everyone moved to Tambunan working camp at the 110 mile. (I clearly understand the sketch you have shown me) When I reached this camp there were already 9 P.W. under command of 2nd. Lt. SUZUKI, this made total of 192 P.W. in the camp under the command of TAKAKURA.

The figure of 54 escapees was arrived at as the number unaccounted for on my lists. This was the only way I could account for them. I did not make out any death certificates and I cannot remember any being made out.

When S/M STICPEWICH escaped the orders were to recapture him and find out the plans made by others to escape. There was no order to shoot him.

The investigation into JUNE MORE'S escape was conducted by MORITAKE and HOSHIJIMA. MORE was killed and his body placed on the P.W. camp sign. HOSHIJIMA and I viewed the body there. I think MORE was shot in the chest by HIMATA Genzo.

Prior to that escape P.W.s were caught going under the wire at the end of the camp to get food through a drain pipe. These men were taken back to H.Q.s and placed in the guard house and were later put in the cage, as we viewed this as a serious offence. The KEMFRI TAL were not concerned with this. I saw the men in the cage but had nothing to do with their treatment. I know that one who was very sick, died in the cage. HOSHIJIMA was in charge and gave orders to MORITAKE as to the treatment of these P.W.s.

Three days after S/M STICPEWICH escaped at RAMAU sick P.W.s were taken on stretchers up the hill to the cemetery. This was the 1st Aug., 1945. Since I arrived at LABUAN I have made further enquiries and as far as I can determine the date the P.W.s were taken up to the cemetery and killed was the 1st August, 1945. There were 17 of these sick men. I was in charge and Sgt. OKADA and approximately ten Formosan guards were also present at the killing. All the Formosan guards were actually posted to the camp were in the camp area on that day. I may be able to recognise some of these guards if I saw them.

After these 17 were killed there were about 16 left in the camp and these were also shot on 1st August, 1945. 11 of these were taken about 100 metres along the road towards TAKAHUA and shot. S/M TSUJI with a fresh lot of about 15 or 16 Formosan guards shot the second batch. These two killings were at the same time - 1000 1000 hours on 1st August, 1945. I do not know the names of the P.W.s killed. PICONE, COOK, CHOPPIN, OATSHOT, DANIELS (English Doctor), MASKEY, and EVANS may have been among them. I only knew a few at SANDAKAN and only knew a few of the section leaders on the march.

Civilian FUJITA (interpreter) was present in camp but had nothing to do with the killings. Sgt. BEPPU took five P.W. officers about 100 metres towards RAMAU he had ten Formosan guards with him. Also at 1000 hours on 1st August, 1945, at the 11 1/2 mile junction of two roads and behind rice store Sgt. BEPPU's party shot the five P.W. officers.

Sgt. IWANE was out searching for STICPEWICH and had nothing to do with the killings. S/M MORIZUMI had not yet arrived from SANDAKAN. I did not know that it was a general order from Army H.Q.s to kill P.W.s. I do not know what MORITAKE's orders were. They were given direct from TAKAHUA. My orders came only from my commander TAKAHUA.

FUJITA (medical Sergeant) had been wounded and was in bed in the camp area at the time of the killings. I do not know what the reason was for the killings, but I think it possible that the commanders feared that the P.W.s would escape.

Sgt. BEPPU's party killed	5	P.W.s
" OKADA's " "	17	P.W.s
" TSUJI's " "	11	P.W.s
	33	

The order for the killing was secret. I have carefully checked the date and am sure that the killings took place on 1st August, 1945. Information other than this must be a mistake.

I first knew that the war was over on the 2nd September, 1945. Documents from H.Q.s gave this information. I heard some surrender bills were dropped from aircraft about 20th August, 1945, but did not believe them and thought that they were just propaganda.

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On the 28th July, 1945, I remember Captain OLAK bringing documents to me from deceased P. W.s for despatch to allied command. These were all burnt with my personal gear at MANAN. After the 1st August, 1945 the camp moved first to TAIBURAN arriving there 28th August, 1945 and later moved to RAPOBO.

I, 1/Lt. WATANABE Genzo, do solemnly affirm the above statement to be the truth, the whole truth and nothing but the truth.

(sgd.) WATANABE Genzo.

Affirmed before me at LABUAN on 8-12-45.

(Sgd.) J.T. ORAM Lt.

I, Allen Reginald TOWNSEND, solemnly and sincerely declare that I have read the above statement to the D WATANABE Genzo carefully and truthfully interpreting the meaning of the English to the best of my ability.

(Sgd.) A.R. TOWNSEND, Corp

Sworn before me at LABUAN on 8-12-45.

(Sgd.) J.T. ORAM Lt.

I certify that I have compared the within statement with the original statement of 1st Lieut. WATANABE Genzo and that it is a true copy thereof.

*[Signature]*

..... Lt. Col.  
President.



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INTERVIEW WITH REPRESENTATIVE OF THE UNITED STATES

- Q. You were one of the last to start on the daily march?  
A. Yes.
- Q. Many PWs were too sick to start marching and just lay at the starting point?  
A. There were some too ill to start and were left with a rear party.
- Q. The rear party caught up later?  
A. About 4 or 5 hours later.
- Q. None of the PWs left behind marched on did they; but just died?  
A. Yes.
- Q. This rear party just shot anyone too weak to march?  
A. Yes there were some cases.
- Q. Normally a man with an ILL was left behind wasn't he?  
A. 3 times in the guard group.
- Q. What did the guards use to "finish off" those too ill to go on?  
A. Rifles.
- Q. Actually you heard shooting and knew what was going on?  
A. Yes, I knew what was going on.
- Q. There were probably 100 PWs died that way?  
A. I don't know for certain but believe about 1/3 died that way.
- Q. There were hospitals at the track but no PWs were admitted were they?  
A. There were hospitals en route and we did not admit PWs. There were aid stations.
- Q. Some Jap troops were admitted?  
A. Yes.
- Q. Why were PWs not admitted?  
A. That is the doing of the unit command.
- Q. Who was that?  
A. TAJIMA. And I took orders from him.
- Q. There was no officer in charge of this rear party?  
A. That is so.
- Q. They were just a group of Japanese civilian guards?  
A. Yes.
- Q. Actually you were in charge of that group?  
A. Yes.
- Q. Who ordered that the PWs be shot if unable to proceed?  
A. There were the unit commanders orders, TAJIMA.
- Q. What were TAJIMA's actual orders?  
A. TAJIMA's orders were that because of the landings had become it was necessary to speed up the march that those who were too sick or too tired to continue the march would be shot. This was partly because we had no medical supplies and little food.
- Q. Do you think TAJIMA was ordered to issue that order or did it go on his own account?  
A. I do not know.
- Q. When did TAJIMA issue that order?  
A. I heard about it before leaving AMERMAN.

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- Q. TAIKUA told you that the PWs unable to proceed would be shot?  
He told you that before the march and again later didn't he?
- A. TAIKUA spoke to me about it before and during the trip but there were no actual orders.  
were
- Q. When/the orders issued?
- A. During the first days march.
- Q. When you discussed it before the march with TAIKUA did you protest?
- A. It was only a discussion. I did not protest as TAIKUA was senior.
- Q. How many times did you witness these shootings?
- A. I did not actually see it but heard shooting every day.
- Q. Were the shootings carried out decently?
- A. They were decently without atrocities. I only saw one shooting.
- Q. There were only 183 PWs who arrived at RAHAW out of 537?
- A. Yes.
- Q. During the march the PWs frequently had to live on roots of trees without other food hadn't they?
- A. When vegetables were scarce this was so.
- Q. Some days this was all they had to eat?
- A. At the commencement they had rice ration but there might have been times when all the PW had to eat was roots and shrubs.

I certify that I have compared the above copy extracts with the original statement of 1st Lieut. MATARAE Gonzo and that such copy extracts are true copies of the respective portions of the original statement.

(Sgd) B. G. Reynolds Lt. Col.

President.

EXHIBIT W

STATEMENT BY OKADA Toshiharu, Sgt. W. O. 491.

I, Sgt. OKADA, Toshiharu (491) former member of Sugan Butai, testify as follows:

I landed at Kuching in Dec 1943. I stayed there about 5 months. On 22nd June 1944 went to Layan Island. When I arrived there there were already 100 PWs on the island. Capt NAGAI was in charge. I arrived in Ranau on 23 Feb 1945, in company with Capt NAGAI, and Lieut SUZUKI Yasukazu and Sgt HIRIYU. I heard from FUGITA (interpreter) that there were then 323 PWs in the Ranau area, including 100 at FUCHITAN.

I remember the two men that escaped from Ranau PW camp and who were recaptured and brought back to the camp by the KEMPEI TEI. One of the men escaped again and I have not heard of him since. The other was placed in the guard house, probably on the orders of Capt NAGAI and on half rations (200 grammes of rice). He died in the guardhouse of sickness and lack of medical attention. His death was probably due to starvation.

On 27 April 1945 I moved to No. 1 Jungle camp. Sixty (60) Prisoners went with us. After staying there for two nights I left this camp on the morning of 29th April and with Capt NAGAI inspected a proposed camp site at the 110 mile. In the course of my duty I revisited No. 1 Jungle camp on several occasions. The last time was on the 7th or 8th of June 1945 when there were about 22 or 23 PWs still alive. I remember NAGAI bringing ten PWs over to No. 2 Jungle Camp on 10th June 1945. About the same time 2nd Lieut SUZUKI Yasukazu died at No. 2 Jungle Camp on 2nd July 1945. He was shot by one of the Japanese soldiers.

On 1st August 1945 Capt TAKAKURA called a conference of all NCOs and issued instructions for the disposal of all the remaining PWs. I was ordered to take all the sick to the cemetery and kill them. I then detailed a party of Formosan guards as follows:

MATSUMA Nobunaga	SHOJI Shinzo	HIRATA Ginjaro
KITAHARA Tadec	YOSHIOKA Shigeo	HIROUCHI Jiro
YASUTAMA Eikichi	MORIYAMA Teiji	TAKAHARA Koji (deceased)

I posted four guards in the camp area. They were not present at the killing. Their names are as follows:

TOGO Saburo, FUJIMAWA Tetsukichi, YOSHIMAWA Tetsuhiko and HAYASHIDA Mitsujiro, (I am not sure whether this man was at the killing or not).

One or two of the 17 PWs walked up to the cemetery, the remainder were carried up on stretchers. The Formosans, excluding the 4 guards, carried the PWs on the stretchers. As I had no interpreter with me the PWs were not told what was going to happen to them, but they probably realised their fate when they got to the cemetery. The PWs were put on the ground, the guards lined up and I ordered them to open fire. The Formosans did not want to shoot and neither did I, but I had my orders and so had to fire first to set an example to them. We then kept firing until they were all dead. After the death of the prisoners YOSHIMAWA Tetsukichi brought up spades and shovels for us to dig the graves. He did not remain but returned to camp. The Formosans then dug two holes and buried the Prisoners of War.

Of the four guards mentioned above, as not being present at the killing, I am not sure of the movement of HAYASHIDA Mitsujiro. He may or may not have been present.

1/Lt MATSUMAE gave me instructions to commence carrying out Capt TAKAKURA's order prior to taking the PWs up to the cemetery. He came up while we were burying the PWs.

I, Sgt OKADA Toshiharu, solemnly affirm and declare that the above statement is the truth, the whole truth, and nothing but the truth.

(Sgt).....



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Sgt. Hasegawa certify that I have this day read the above statement in Japanese, and solemnly declare that I have accurately conveyed the meaning of the English to the best of my ability.

Signed H.K. Hasegawa

Witnessed by WO 1 Stjepovich: I have had no contact with this man since he was released from Labuan with Capt NAGAI. While in RANAU camp he was not in the PWs whatever.

Signed W.H. Stjepovich

Declared before me at Labuan on 12 Dec 1945

J.T. Orms  
Lt.

I certify that I have compared the within statement with the original statement of Sgt. OADA Toshiharu and that it is a true copy thereof.

(Sgd) R.G. Reynolds  
President.

STATEMENT BY HIROTA GINJIRO. Foreman SUGA KUNIKI

I, HIROTA GINJIRO, Foreman, former member of SUGA KUNIKI, testify as follows:

I left SANDAKAN on 29th May with about 536 PWs en route to RAMAU. A number of PWs dropped out and never reached RAMAU. PWs who were too sick to move out were rounded up by the guards under WATANABE's orders, Sgt. TSUJI Teyoji and FURUKAWA Masao (names and numbers). Then WATANABE would order the guards to kill the PWs. Every guard who was on this trip from SANDAKAN to RAMAU killed at least one PW, and the officers and NCOs saw to it. My duties changed daily and every third day I would be with the guard my section engaged in the morning killings at the camp site.

I remember the time that WO STEWENSON escaped, and also the time of August when all the guards were called up by WATANABE and given instructions to dispose of the rest of the PWs. Parties were detailed. I was detailed to Sgt OKADA for this disposal of the PWs who were left when those who could walk were removed from the camp. The PWs who were carried up the hill on stretchers and those who could move at all (crawl) were forced up to the grave site.

The killing party on the 1st Aug were as follows:-

Sgt. OKADA Yoshihara,	MATSUDA Nobunaga,
HIROUCHI Jiro	TAKAHARA Koji,
SHOJI Shinzoku,	MIYAKE Tadao
YASUYAMA Shichi,	WAKABATA Mitsujiro
MORIYAMA Teiichi	TOGO Saburo
FURUKAWA Tatsukichi	YOSHIMIZU Tatsuhiko
SUZUKI Mitsugu (Who is now dead)	

I saw Sgt OKADA borrow a rifle from a guard and shoot a PW. This was the first shot fired. Then all of us who were present were ordered to shoot. The PWs were mostly shot through the head and practically no suffering was noticed. We then buried the bodies in two graves, those who died naturally in one, the murdered ones in the other.

I remember 3 PW escaping from SANDAKAN No.1 Camp. Also I heard about a MALAY who came a few days later at about 7.30 p.m. and reported having seen the three escapees in his Kampong. I heard that Lt. MOTOHARU 2/Lt MORITAKE and Sgt SHOJI and two truck loads of guards went to airfield. While they were searching for the escapees in groups, the guards from the airport came to report that two had already been shot.

I saw a photo from a photo the soldier who shot the two PWs. The orders were to capture the PWs and question them and then shoot them. As far as I was told these two PWs were in a small native boat.

I remember the second shooting of a PW who had been found out in the compound. I don't know the number of ceremony which took place after the PW was caught but I know he was shot. I know that MOTOHARU in command and MOTOHARU gave the order to shoot the PW. The order was carried out by HIRATA Genzo.

On 1 Aug 1945 there was a search party out trying to recapture two PWs, STEWENSON and KENNEDY. The party consisted of Sgt ISHIDA, SAITO, ICHI, and TAKAHARA MIZUO.

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3 4

(Sgt) - WCH

I remember the incidents of Iw being put into the  
punishment. This was carried out at the order of the camp  
commander, HIRATA and MOROTANI.

The sentences range from as high as 20 days as far as I  
remember with no food up to 7 days. There were many who served  
portion of the sentence and took sick from the treatment and  
returned to the camp and later died as a result.

I, HIRATA Shinjiro, solemnly affirm and declare that the statement  
on the face hereof is the truth the whole truth and nothing but  
the truth.

(Sgt)

The statement on the face hereof has been read over to me by  
A. Townsend Cpl, and I clearly understand the meaning and content  
hereof. Further I make this statement voluntarily and without  
any undue pressure or duress being brought to bear.

I, A. Townsend, certify that I have this day read the statement  
on the face hereof to the Declarant in Japanese and I solemnly  
swear that I have truthfully and faithfully conveyed the meaning of  
English to the Declarant, to the best of my ability.

(Sgt) A. Townsend Cpl.

Comment by WO STICPENSCH: This man was in charge of garden  
parties mostly sick Iw and bashed them about plenty with sticks  
and kicking.

(Sgt) W.H. STICPENSCH.

Declared before me at LAGUNA 10 Dec 45.

(Sgt) J.B. GRAY, Lieut.

I certify that I have compared the within statement with the  
statement of HIRATA Shinjiro and that it is a true copy thereof.

(Sgt) R. REYNOLDS, 1st Cpl.  
President.



STATEMENT OF LT-GEN BABA MASAO

I. I am Lt-Gen BABA Masao.

II. I was engaged in the operations in BORNEO from JAN 45 till the cessation of the hostilities as the GOC of the 37th Army. I regret from the bottom of my heart that some members of my command committed atrocities against a large number of Australian and British POWs during that period.

In order to make clear the truth of the facts alleged by the Prosecution in the Charge against me, I would like to frankly state what I know of these alleged facts, dividing them into three groups corresponding to the three groups of evidences produced by the Prosecution, that is:

1. The orders regarding the first march
2. The orders regarding the second <sup>transfer</sup> ~~march~~ filed
3. The atrocities committed by the members of my command.

III. With regard to the orders regarding the first march.

On 21 JAN 45, I arrived at HQ the 37th Army, JESSELTON, NORTH BORNEO, from SUMATRA.

At that time, the units stationed along the EAST coast of NORTH BORNEO had already begun to move to the WEST coast.

On my arrival, I received a report from the Chief of Staff to the effect that:

1. At the end of DEC 44, the GOC the 37th Army was ordered by Marshal TERAUCHI, Supreme Commander of the South General Army to consolidate the defence of the areas surrounding the BRUNEI Bay, by concentrating the forces on the SOUTH CHINA SEA coast, moving them from the EAST coast of NORTH BORNEO.

Based upon the above orders the 37 Army orders were already issued on 12 JAN 45. According to this Army orders about 8 infantry bns out of 10 inf bns, the main body of the 37th Army, which had been stationed on the EAST coast and the neighbouring islands were at the moment moving to the WEST coast.

2. It was also decided on that the SANDAKAN POWs Camp be moved off to RANAU with this movement of forces.

As its first step, it was included in the above-mentioned Army

orders that about 500 POWs in good health should be moved to RANAU being escorted by the 2nd Bn (YAMAMOTO Bn) of the 25th Inf. Mixed Regt. The reasons for the movement of SANDAKAN POWs Camp were as follows;

(a) Anticipating that advancing operations of the Allied Forces against both the EAST and WEST coasts of NORTH BORNEO would be necessarily materialized, POWs had to be moved, out of the dangerous fighting areas, and to another place where it would be easy to secure their food for a long period.

In view of these two terms, RANAU was chosen for the place for the said POWs Camp to move to.

(b) RANAU completely possessed the above two terms. In other words, it was chosen because we considered as follows.

Against the advancing operations to NORTH BORNEO by the powerful Allied Forces, it would be possible for us to endure long-termed protracted operations, if we could hold, against the attack from the EAST, the boundary districts between EAST coast and WEST coast Residencies, WEST of BOTO, and, against the attack from the WEST, the mountains along the road between RANAU and TOARAN. And as, being located just in the central part between both the anticipated flanks, RANAU was the safest place and, moreover, in such a district where it was easy to procure rice, it would become unnecessary for POWs to move anywhere else thereafter, once they moved there.

(c) SANDAKAN had faced urgent food situation after the cessation of transportation by sea and it was expected the uneasiness would increase more in the future. And after this movement of the forces only one inf bn was to be left behind at SANDAKAN. If such a small strength would be imposed with both duties of defending the vast SANDAKAN districts and of protecting the POWs Camp, there might occur unexpected results on account of their excessive duties. Therefore, it would be inadequate from every possible viewpoint that the POWs Camp would be left behind at SANDAKAN as they were.

3. The road for the march had been reconstructed since NOV 44 as a line of communication route for the units stationed in SANDAKAN

districts, along which staging points had been set up, so there was no anxiety for the march of POWs.

This road was used when a battalion of the defensive units on the EAST coast went from JESSELTON to SANDAKAN in about NOV 44.

*T.O.* And also when a joint training of the recruits who <sup>had been</sup> ~~were~~ raised from among Japanese civilian residents in the EAST and WEST coast districts was held at RANAU in DEC 44, the men recruited at SANDAKAN came to RANAU along this road and after the training finished at the beginning of JAN 45, they safely came back SANDAKAN passing this road again. The 103 Road Construction Unit had been stationed along this road and still engaging in the repair of defective points.

4. The YAMAMOTO Bn. in charge of the escort of the moving POWs, came from MANCHUKUO to BORNEO in SEP 44 and was one of the excellent units in the 37th Army.

5. With regard to the days required for the march, there were sufficient days given, as that unit would be accompanied by POWs and the Bn Comdr was authorized to lengthen or shorten the number of days for the march, in accordance with the conditions (of the march).

6. Regarding the supply during the march, staging points had been established in main villages on this line of communication route, of which the portion in the EAST of the boundary between the EAST and the WEST coast Residencies had been taken charge of by the SANDAKAN Garrison and the other portion, in the WEST of the boundary, by the 1st L. of C. Unit, RANAU, where they had supplied passing troops with provisions and medical supplies. And also they had been directed to prepare aid stations to help acute patients taking ill in the course of the march.

Receiving this report as above-mentioned in general, I was satisfied with it within my knowledge which I had acquired by that time and did not feel at all uneasy about it. Since then, I had to direct the main point of my duties to setting up a new operational plan and appropriately proceeding to the operational attitude therein laid down.



IV. With regard to the orders regarding the 2nd transfer.

A. As the transfer of the SANDAKAN POW Camp to RANAU had been already decided on and was being carried out, it became my duty to carry out this important task safely. Therefore, I investigated various matters concerning the movement and carried them out, urging my staff officers and the units concerned. The main points were as follows:

1. In the middle of FEB, I dispatched Capt NAKAYAMA, in charge of supply, to HQ 1st L. of C. Unit, RANAU, to order it to accumulate provisions and medical supplies along the 1st line of communication route. A little time before that I ordered the OC SANDAKAN Garrison through wireless to take the same measures in respect of the same matters. At the same time I ordered the OC 1st L of C Unit, Maj WATANABE, who was also the OC 103 Road Construction Unit, to repair the 1st L. of C. route, especially their flooded parts and to reconstruct steep slopes and staging camps. And also I ordered him and OC SANDAKAN Garrison Unit especially to replenish the infirmaries at PAGINATAN, MILULU, BOTO, and MUANAT for patients taking ill during the march, and to establish new aid stations at SAPIRO (EAST of BOTO) and KALAPIS (SOUTH of BELURAN) to accommodate acute patients. I also dispatched Capt NAKAYAMA to the RANAU POW Camp to request the OC thereof to investigate the conditions of the march and the health condition of the POWs and to make efforts to enable the POWs to recover from exhaustion as immediately as possible. In addition, I informed Lt-Col SUGA, the OC KUCHING POW Camp, of the conditions during and after the first march and requested him to take necessary steps.
2. I called up Capt YAMAMOTO, OC of the first march to HQ the Army and heard of the conditions of the march from him, when I learned the following matters in general and made efforts to improve them.

(a) The march was more difficult than expected. Owing to the continued rains after the departure the EAST Coast Residency was flooded everywhere and entering into the WEST Coast Residency the road became comparatively better, but there were

so many steep ascents that they felt difficult to move on.

(b) The provisions to be rationed on the way were swept away by the flood, so it was difficult to receive as much as required. It was especially so in the EAST Coast Residency. 826

(c) As to the conditions of the march, about 50 out of 300 Japanese soldiers and about 100 out of 450 POWs died due to the exhaustion caused by this march. He also requested Maj WATANABE at RANAU to make further inquiry into these matters. 825

3. Hearing this report, I was surprised very much at its unexpected results and immediately took the following steps.

(a) I ordered, through the Chief of Staff who was also the General Military Administrator, the Governors of the EAST and WEST Coast Residencies to urge the delivery of foodstuffs and to help the COs SANDAKAN Garrison and RANAU 1st L. of C Unit in accumulating foodstuffs.

(b) I ordered the Military Topographical Branch to enlarge and revise the old military topographies upon the report of the first march and especially to investigate the conditions of waterway transportation between SANDAKAN and BOTO by the LABUK River.

(c) I ordered the Staff Section to try more scrupulous research into the movement of the SANDAKAN POW Camp to RANAU.

(d) I told Lt-Col SUGA, OC the KUCHING POW Camp, to make full preparations for the movement of the SANDAKAN POW Camp to RANAU, which the Army expected to make on the completion of the repairing of the 1st L. of C. roads.

B. In regard to this movement, I had made such preparations as stated above. Meanwhile, as the Allied Air Force base proceeded to PALAWAN Is, the enemy's bombings to NORTH BORNEO became severer and severer. Although the advance of the Allied Forces to NORTH BORNEO was anticipated in the near future, I could not foresee on which coast, EAST or WEST, the enemy's landing would be carried out. Then, on 17 MAY, the commander of SANDAKAN POW Camp was changed under the orders of the South General Army and Capt TAKAKUWA succeeded

Capt HOSHIJIMA. I told Capt TAKAKUWA my desire regarding the treatment of POWs and at the same time told him to inquire Capt HOSHIJIMA fully about the latter's plan of the waterway transportation. I also so told and requested Col SUGA as well. I permitted Capt HOSHIJIMA to move to KAMANSHI by waterway, but I ordered him to establish a plan of movement by ship, from KAMANSHI to BOTO, going up the LABUK River, as the stay at KAMANSHI would be temporary and I intended to transfer the POW Camp to RANAU in due course of time. I also granted a permission to use the Marine Engineer Unit at SANDAKAN for that purpose.

C. About that time, I received reports repeatedly on the probability of the enemy's landing at SANDAKAN from the SANDAKAN Garrison Commander, so I was determined to transfer the SANDAKAN Camp to RANAU and issued the order regarding the transfer on 20 MAY. In this order the GOC's intention to transfer the SANDAKAN Camp to RANAU was manifestly shown, and in addition, it was included that, with regard to the preparations to be made for carrying this transfer out, and the CO's of the units concerned, (Capt TAKAKUWA, OC the Barge Engineer Unit, OC SANDAKAN Garrison, OC NAMI Unit, OC Military Hospital, and OC Supply Depot) should confer mutually. But the commencing day of the transfer and the classification of POWs into groups was not yet included.

My opinion as to the method of the transfer of the SANDAKAN Camp consisted of two ways put together, that is, march by land and waterway transportation. That is,

- (a) Those who could bear the long trip to be marched through the land course.
- (b) The rest to be transported by waterway.
- (c) Those POWs unable to move to be left behind at SANDAKAN.

A.2 So, as stated above in this connection, I issued such orders, and at the same time ordered Capt TAKAKUWA to report the result of the conference to me and also ordered WATANABE Unit, RANAU, SANDAKAN Garrison and units then being between SANDAKAN and RANAU to assist the transfer.

D. In JESSELTON districts, however, the enemy's bombardments against



the railroad between JESSELTON and BEAUFORT were started in the morning of 21 MAY, so the Army HQ had to move to TENOM. Making the Chief of Staff with a Staff Officer, IMAHASHI, start ahead to TENOM, I started from JESSELTON on the night of 22 and arrived at the new Army HQ at TENOM before noon of 26. There I received from the Chief of Staff a report that he, the Chief of Staff, early in that morning received a telegram from Capt TANAKAWA, in which he asked for the instruction concerning his suggestion regarding the march of POWs through the signal station at SANDAKAN. So I sent back a telegram to the effect that only healthy POWs should be marched.

B. In the morning of 27 MAY, I received from the SANDAKAN Garrison a telegram that said, the Allied Naval Force in cooperation with the Air Force launched attack against SANDAKAN, from the dawn of the same day, and severe fightings were going on at the moment and five or six warships invaded into the bay and were shelling by ship-guns. But the communication was suspended before noon and we could not communicate with them for the ensuing ten days and thereabout. On or about 10 JUN, the communication was re-established and we came to know the following facts by a report from the OC SANDAKAN Garrison.

1. For three days beginning 27 MAY, SANDAKAN was fiercely attacked by co-operated naval and air forces and especially bombings and shelling from warships were so severe that the aerodrome became completely unserviceable and the town was almost ruined by fires caused by bombings and incendiary bombs.
2. Capt TANAKAWA conducting POWs started on the night of 29 MAY for RANAU.
3. This battle was the first of modern fightings which took place in BORNEO, especially the fighting on 29 was severe. Owing to this, there occurred temporarily such a tumult as citizens fell into a state of panic and began to evacuate to the hinterland and so on. But at the moment peace and tranquility has been recovered.

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F. The march of the POWs toward RANAU was started under such conditions at the discretion of Capt TAKAKUWA, OC the POW Camp, which was unavoidable. If the march was carried out by only healthy men in peaceful  
A.O. circumstance; and the others were moved on board transport ships, I believe such bad results would not have occurred.

As a commander of the Japanese armed force, I swear by the Almighty God and declare that I have never had such intention as to compel even  
A.O. such POWs as unable to move on to make a march and that I have never given such orders.

G. In those days, on the WEST Coast, not a day passed by without our being machine-gunned and bombed by Allied planes. Especially the KENINGO air-field was destroyed completely. After that, from 28 MAY on the bombings against the railway between TENOM and BEAUFORT were started. And by the beginning of JUN, all the railway bridges on that line were destroyed. On 5 JUN there took place big bombings against TENOM, whereby the town was burnt down and ruined within only one day. And the next day the Army HQ also was bombed, and the electric power-station was damaged, whereby the communications with various places were suspended for some time. On 9 JUN, the Allied Forces launched the landing operations on the LABUAN Is and on the coast of BURNEI and then on or about 20 JUN they landed at MILI, and on or about 24 JUN they began to attack WESTON and BEAUFORT. After the end of JUN till the  
A.O. cessation of the <sup>hostilities</sup> war, for about two months, our Army had continued severe battles, defending stubbornly the bottleneck, SOUTH of BEAUFORT, against the attacks by the overwhelming Allied land and air forces in cooperation.  
H. As, on about 10 JUN, the communication with SANDAKAN was re-opened, I learned the fact that Capt TAKAKUWA had started with the POWs.

Worrying about this unexpected fact, I at once ordered Capt NAKAYAMA, in charge of supply, accompanied by supply officers, medical officers and some guards to leave TENOM on the same day for RANAU and investigate the march conditions of POWs, and more, to supervise and guide the march of TAKAKUWA Unit on the 1st line of communication route, and especially, if Capt TAKAKUWA had already arrived at RANAU, to effect immediate connection with the Army HQ and report on the conditions of the march of POWs. But, I did not receive any report both from Capt NAKAYAMA and

7  
K.2 Capt TAKAKURA until the cessation of the hostilities. 843

It was due to the utter suspension of traffic and communication between TENOM and RANAU after the failure of our Army operations, and the influence of the landed Australian Forces extending to the vicinity of BEAUFORT.

My utmost efforts to which I had devoted myself for three months after having learned the results of the first march, was to naught by the unexpected course of events. Thus, the unhappy result was repeated. This is the most sorrowful fact to me, as well as the failure of the Army operations around the BURNEL Bay.

V. With regard to the atrocities committed by the members of my command.

A. Soon after I arrived at JESSSELTON as the GOC 37th Army, on 21 JAN 45, I issued the following instructions to the all officers and all men under my command, that is, "Whatever condition the operational situation may fall into, your deeds should be guided by the higher spirit which the "Imperial Rescript for Soldiers" teaches and the non-combatant personnel and POWs who laid down their arms must be treated with justice and benevolence."

Especially, I ordered the commanders of all the units to strictly supervise their subordinates to realize the above-mentioned spirit.

The reason why I issued such instruction and orders was that I feared my intention might not be understood fully by my subordinates, because the operational situation in BORNEO enforced us to take the scattered allocation of troops of the highest degree, and more, the inconvenience of communications made the operation of those units have just the same nature as those in isolated islands.

Nevertheless, my intention was not understood fully, and so, POWs were murdered by some of my subordinates in the first march. If the murders were committed under the orders of Capt YAMAMOTO, I should feel very sorry all the more.

B. Originally, the POW Camp was under the perfect command of the Supreme Commander of South General Army, and GOC 37th Army was entrusted with only a part of the command. That is, the commander of the 37th Army had no power in relation to the personnel affairs, 843



rewards and punishments of POWs and the maintenance of the camps.

Reports on such affairs from the OC's POW Camps were not, in principle, sent to the GOC 37th Army. This principle must have been applied to all the Armies under the Supreme Commander of the South General Army.

I took interests in the POW Camps, but I did not know the conditions of the camps in detail because of the above-mentioned restrictions, which I could not help.

On the other hand, I believed absolutely in Lt-Col SUGA, OC the POW Camps, one of my friends from the former days, who mastered English, and was versed in the foreigners' affairs and had the fittest character as OC POW Camps.

Thus, I could come to know neither the murder incidents in the second march nor the subsequent incidents in the RANAU Camp until the cessation of the hostilities.

Concerning these murder incidents, I, as a Japanese, express my hearty regret.

VI. As mentioned above, I explained the affairs relevant to the facts alleged on the charge against me through my memory. In the days when my command of operations took unfavourable turns all things became passive. As in all cases of the defeated, blunders became bigger and bigger one after another.

This state of things was more remarkable especially in remote localities. Unexpected incidents that we could not even think of in peaceful conditions occurred. We could have hardly dealt with incidents occurring in localities as far as 100 miles from the seat of the Army HQ and located in the mountains where the traffic <sup>was</sup> very difficult, and, what is worse, there was no means of rapid communication. These various reasons caused these unhappy results, I think.

At the end of JAN 45, I proceeded to my new post in BORNEO, when a storm caused by the enormous material power, and powerful and skilful leading for operations of the Allied Forces began to rage, and I continued the battles as if I was propping up a big tree about to fall down. As the offensive by the Allied Forces developed and its wind-power increased, various unexpected incidents occurred and the results were as

if leaves were blown off, branches were broken and trunks were fallen down. Such conditions continued until the cessation of hostilities. Unfortunately, I could not see the fruits of my efforts. I hereby express my sincere feeling of pity towards the spirits of <sup>the</sup> many dead persons, their surviving families and people of the Commonwealth of Australia, and at the same time I make an apology to all of them.

馬場正郎  
BARA Masao

I hereby certify that the above translation is true and correct.

Arthur Lee

陸軍中府 馬場正郎陳述書

I 私ハ陸軍中府馬場正郎アリマス

II 私ハ第37軍司令官トシテ 1945年1月ヨリ8月ノ終戦迄「ボルネオ」  
 =於ケル戦争=従事シマシタ 其ノ期間=於テ私ノ指揮下=  
 アリマシタモノノアル者ガ多数ノ英米俘虜=對シテ残虐行爲ヲ行  
 ツタコト=就テ私ハ誠ニ遺憾ニ思ヒマセシ

私ハ私 對スル檢事ノ提出シタ告訴事由=就キ事實ノ真相ヲ  
 明カニスル爲メ夫等=關シ私ノ知レルコトヲ檢事=ヨリ提  
 セラレタ証據ノ三種類ニ分ジ之ヲ第一、次行軍命令、第二、  
 命令及部下、ヨツコカサレタ残虐行爲ノ三ツニ区分シテ意見  
 ヲ陳述シマス。

III 第一、次行軍命令

私ハ 1945年1月21日「マニラ」ヨリ北「ボルネオ」「ピッ  
 セルトン」ノ第37軍司令部ニ着任致シマシタ  
 其ノ時ハ既ニ北「ボルネオ」東海岸ニ配備シテアツタ部隊ハ  
 西海岸ニ向ヒ移動ヲ開始シテイマシタ  
 私ハ右篇ニ當時軍參謀長ヨリ次ノ如キ要旨ノ報告ヲ聞キ  
 マシタ

1. 1944年12月末迄ニ軍總司令官寺内元帥ヨリ第37軍司  
 令官 對シ「ボルネオ」東海岸ノ兵力ヲ南支那沿海沿岸ニ集  
 結シ「ブルネー」灣周辺ノ地区ノ防衛ヲ強化スベキ命  
 令ガアリマシタ

此ノ命令ニ基キ北「ボルネオ」東海岸及附近ノ島ニ配  
 備シテアリシ第37軍ノ主力歩兵約10大隊ノ内 8大隊ハ  
 即チ北「ボルネオ」西海岸ニ向ヒ移動中デアリ  
 此ノ兵力ノ移動ニ關スル命令ハ 1945年1月12日發令セツ  
 シ

2. Sandakan p.o.w. 收容所ハ此ノ兵力移動ニ伴ツテ  
 Ranau 移シコトニ決定セシ其ノ第一番手トシテ先ヅ建



手組第2040人、雄と雌の成鳥を5頭俘奪した隊（山崎  
大隊）は、後述の下-Ranau- 同様に移動せしめ、各隊が  
1945年1月12日- 飛せしめられた

Sandakan p. o. w. 収容所移動、理由ハ次、面々  
ス

a. 北「ボルネオ」東部西海岸- 対スル連合軍、進攻作戦  
ハ必徴的、実現スルデプロット中期、P. O. W. 戦  
斗、地産地域外- 移動セシムルコト及び長期- 食糧  
ノ確保容易ナル場所- 移動セシムルコト、此ノ二ツノ條  
件、基キ Ranau - P. O. W. 収容所ヲ移スコト- 決定  
セられた

b. Ranau ハ上記ノ一條件ノ完全- 具備シタキタ  
即チ優勢ナル連合軍、北「ボルネオ」進攻作戦、対  
東方面、於テハ「ボト」、西方- 即チ東海岸州ノ境界  
附近、保持シ西方面、於テハ Ranau - 「トア」  
道、右ノ山系ヲ保持シテオレバ長期ノ持久作戦ガ可  
能ナリ、Ranau ハ丁度其ノ中心部ニアツテ極めて安全  
ナリ、且 Ranau ハ長機特- 米、薪炭- 容易ナ地方、  
アリマス、即チ此處- 移動シタノハソレモ後述  
移動セシムル必要モナクナルデプロット期ヘタカシナリマス

c. Sandakan ハ海上輸送、杜絶、爲全糧事情カ切  
迫リ、將末急を以、憂慮ガ増ス、ミデプロット中期セル  
又北、急、兵力移動、伴リ、Sandakan - ハ兵力  
1大隊ノミガ残置サレ、此ノ僅少ナル兵力ノミ、魔人ナ  
ル Sandakan 地域ノ防衛ト P. O. W. 収容所ノ掩護ト、  
両任務ノ担ヒムコトハ若シテ何等カ難重デラズ、結  
果ナリトシテ、即チ P. O. W. 収容所ヲ Sandakan  
所ヨリハ他所ヘ夫ノ、観望ト不慮ヲデラセリタ  
シ、結局ハ1945年11月、Sandakan 方面- 敵ノ部隊

へ、摩路支路路上、改修せしむ。毎站が設置せしむ。  
ツ、行路、病の病、及ぼす。

此、道路ハ1944年11月東洋南洋防務部隊、1大隊ヲ  
「ヤメル」ヨリ Sandakan 移ツタリ據ルモ、又  
1944年12月「ヤメル」於テ東部の海岸ヨリ徴集セ、  
スル在田のオ人、折衷合同教育カ行ハレタ際 Sandakan  
ニ、徴收セ、レ、ルハ此處ノ地ヲ、Raman 未タ43年  
1月部ヲ教育終了後、又此、地ノ地ツタ事 Sandakan  
ニ歸ツテ道路ガ、ル

此、並略、ハ口下第拾三、並略、が配置と云ヒテオツテ  
千良個所、略、後、並、オツル

此處傳謠，獲送 = 任 200. 由才大限ハ滿州ヨリ 1944年  
9月「ホルネ」東シベリア等ヨリ軍ハたイ部隊ヲル

行軍日程 肉シハ同隊ハ修養ト同行スルヲ行軍口數  
ニ十分餘祓ノ兵ハ大隊長ガ行軍ノ状況 必ニ行軍口數  
ヲ伸縮シ得ルヲ 示シテ凡

行軍肉、給養 肉は北、兵站路上、主ナ部落、兵  
站地、即ち東海岸州、西海岸州、境界より東ハ  
Sandakan 防衛隊（大塚部隊）以西ハ Ranau  
第一兵站地、以、西ハ連隊部隊、糧食、藥品、補給  
所、診療所、準備、行軍肉、生、死、患者  
、急救、考、ハ、探、ル

私ハ大要以テ、報告ヲ聞キ其ノ時進歩ヲ得ルベク  
知識ヲ修メ於此ニ相違無ク是レ何者ト云フ  
コトゾアルカス

ソノ、輕ハ、輕、仕奉、實矣、折計帳計帳、樹立ト其  
作戦變勢ハ、通古ナリ、格付、折向、十分ハ、十、ナリ  
以テ、ソノ、ナリ

#### 四 第一歩行軍命令一就

A. 「リダカン」分所「コナウ」移動ハ概一決意義ヲセルコトアリ  
マシ今後如何シテ無事ニ此ノ重大ナル任務ヲ履行スルカガ  
私ノ任務トナリマシタノデ Sandakan 分所ヲ移動セシムル  
コト一因シテハ幕僚部及肉體部隊ヲ整頓シテ色々ノコトヲ  
研究日進ヲ致シマシタガ其ノ内重ナルモノヲテマスト次ノ  
通りアリマス

1. 月中旬兵站主任ノ中山大尉ヲ「コナウ」第一兵站司令  
部ニ派遣シテ兵站路上ニ於ケル糧食医薬ノ迅速ナル  
集積ヲナサシメタリ

之ヨリ先ヤ Sandakan 防衛隊長一岡部大尉ヲ諸般  
コトヲ命ジ「オキ」セタ

又同時ニ道路隊長ヲ兼テ「タリ」タリシテ兵站  
路ノ改修修 坂木部ノ補修改築、急坂路ノ改築、船  
内設備ノ修繕ヲ行ハシメタ

特ニ車内衛生ニ注意シタメ「ハキナタン」「洗ル」  
「ボト」「テアナット」ノ診療所ヲ遷化シ尙新「コロセス」  
(ベルン南方)「サピロ」(ボト東方)ニ救護所ヲ設テ患者  
ノ救養「ア」レシメタ

又此時 Ranau 救護所ニテリ傷病ノ行軍及健康状態ヲ調  
査セシメ所長 対シテ迅速ナル疲労恢復「努」ムルコトヲ  
要望シマシタ 尙コト一因シマシタ「フタ」ノ管中集  
進報ニ同中佐ヲシテ必要ノ處置ヲ採リシメタ

2. 第一歩行軍指揮官中山大尉ニ司令部ニ派遣シテ行軍ノ状  
況ヲ周知シ其ノ重大ナルコトヲ知リシガ改善「努」メタ

3. 行軍ノ予備以上困難「アリ」シヲ時 出雲後雨ガ降イ  
タノデ 東海軍州一近ハ湖ル所ニ水ニ浸サレアリ西海軍州  
ニ入リマスト云ハレタリタノコトアリシタガ急ニ坂ガ多ク  
行軍ノ困難シタ



中華民國二十九年八月一日

[illegible][illegible]

1940年10月10日

... (faint text) ...

41

附 另在海陽縣，牧民更敗盡，匪劫掠，匪報已。

314, 404, 414, 424, 434, 444, 454, 464, 474, 484, 494, 504, 514, 524, 534, 544, 554, 564, 574, 584, 594, 604, 614, 624, 634, 644, 654, 664, 674, 684, 694, 704, 714, 724, 734, 744, 754, 764, 774, 784, 794, 804, 814, 824, 834, 844, 854, 864, 874, 884, 894, 904, 914, 924, 934, 944, 954, 964, 974, 984, 994, 1004, 1014, 1024, 1034, 1044, 1054, 1064, 1074, 1084, 1094, 1104, 1114, 1124, 1134, 1144, 1154, 1164, 1174, 1184, 1194, 1204, 1214, 1224, 1234, 1244, 1254, 1264, 1274, 1284, 1294, 1304, 1314, 1324, 1334, 1344, 1354, 1364, 1374, 1384, 1394, 1404, 1414, 1424, 1434, 1444, 1454, 1464, 1474, 1484, 1494, 1504, 1514, 1524, 1534, 1544, 1554, 1564, 1574, 1584, 1594, 1604, 1614, 1624, 1634, 1644, 1654, 1664, 1674, 1684, 1694, 1704, 1714, 1724, 1734, 1744, 1754, 1764, 1774, 1784, 1794, 1804, 1814, 1824, 1834, 1844, 1854, 1864, 1874, 1884, 1894, 1904, 1914, 1924, 1934, 1944, 1954, 1964, 1974, 1984, 1994, 2004, 2014, 2024, 2034, 2044, 2054, 2064, 2074, 2084, 2094, 2104, 2114, 2124, 2134, 2144, 2154, 2164, 2174, 2184, 2194, 2204, 2214, 2224, 2234, 2244, 2254, 2264, 2274, 2284, 2294, 2304, 2314, 2324, 2334, 2344, 2354, 2364, 2374, 2384, 2394, 2404, 2414, 2424, 2434, 2444, 2454, 2464, 2474, 2484, 2494, 2504, 2514, 2524, 2534, 2544, 2554, 2564, 2574, 2584, 2594, 2604, 2614, 2624, 2634, 2644, 2654, 2664, 2674, 2684, 2694, 2704, 2714, 2724, 2734, 2744, 2754, 2764, 2774, 2784, 2794, 2804, 2814, 2824, 2834, 2844, 2854, 2864, 2874, 2884, 2894, 2904, 2914, 2924, 2934, 2944, 2954, 2964, 2974, 2984, 2994, 3004, 3014, 3024, 3034, 3044, 3054, 3064, 3074, 3084, 3094, 3104, 3114, 3124, 3134, 3144, 3154, 3164, 3174, 3184, 3194, 3204, 3214, 3224, 3234, 3244, 3254, 3264, 3274, 3284, 3294, 3304, 3314, 3324, 3334, 3344, 3354, 3364, 3374, 3384, 3394, 3404, 3414, 3424, 3434, 3444, 3454, 3464, 3474, 3484, 3494, 3504, 3514, 3524, 3534, 3544, 3554, 3564, 3574, 3584, 3594, 3604, 3614, 3624, 3634, 3644, 3654, 3664, 3674, 3684, 3694, 3704, 3714, 3724, 3734, 3744, 3754, 3764, 3774, 3784, 3794, 3804, 3814, 3824, 3834, 3844, 3854, 3864, 3874, 3884, 3894, 3904, 3914, 3924, 3934, 3944, 3954, 3964, 3974, 3984, 3994, 4004, 4014, 4024, 4034, 4044, 4054, 4064, 4074, 4084, 4094, 4104, 4114, 4124, 4134, 4144, 4154, 4164, 4174, 4184, 4194, 4204, 4214, 4224, 4234, 4244, 4254, 4264, 4274, 4284, 4294, 4304, 4314, 4324, 4334, 4344, 4354, 4364, 4374, 4384, 4394, 4404, 4414, 4424, 4434, 4444, 4454, 4464, 4474, 4484, 4494, 4504, 4514, 4524, 4534, 4544, 4554, 4564, 4574, 4584, 4594, 4604, 4614, 4624, 4634, 4644, 4654, 4664, 4674, 4684, 4694, 4704, 4714, 4724, 4734, 4744, 4754, 4764, 4774, 4784, 4794, 4804, 4814, 4824, 4834, 4844, 4854, 4864, 4874, 4884, 4894, 4904, 4914, 4924, 4934, 4944, 4954, 4964, 4974, 4984, 4994, 5004, 5014, 5024, 5034, 5044, 5054, 5064, 5074, 5084, 5094, 5104, 5114, 5124, 5134, 5144, 5154, 5164, 5174, 5184, 5194, 5204, 5214, 5224, 5234, 5244, 5254, 5264, 5274, 5284, 5294, 5304, 5314, 5324, 5334, 5344, 5354, 5364, 5374, 5384, 5394, 5404, 5414, 5424, 5434, 5444, 5454, 5464, 5474, 5484, 5494, 5504, 5514, 5524, 5534, 5544, 5554, 5564, 5574, 5584, 5594, 5604, 5614, 5624, 5634, 5644, 5654, 5664, 5674, 5684, 5694, 5704, 5714, 5724, 5734, 5744, 5754, 5764, 5774, 5784, 5794, 5804, 5814, 5824, 5834, 5844, 5854, 5864, 5874, 5884, 5894, 5904, 5914, 5924, 5934, 5944, 5954, 5964, 5974, 5984, 5994, 6004, 6014, 6024, 6034, 6044, 6054, 6064, 6074, 6084, 6094, 6104, 6114, 6124, 6134, 6144, 6154, 6164, 6174, 6184, 6194, 6204, 6214, 6224, 6234, 6244, 6254, 6264, 6274, 6284, 6294, 6304, 6314, 6324, 6334, 6344, 6354, 6364, 6374, 6384, 6394, 6404, 6414, 6424, 6434, 6444, 6454, 6464, 6474, 6484, 6494, 6504, 6514, 6524, 6534, 6544, 6554, 6564, 6574, 6584, 6594, 6604, 6614, 6624, 6634, 6644, 6654, 6664, 6674, 6684, 6694, 6704, 6714, 6724, 6734, 6744, 6754, 6764, 6774, 6784, 6794, 6804, 6814, 6824, 6834, 6844, 6854, 6864, 6874, 6884, 6894, 6904, 6914, 6924, 6934, 6944, 6954, 6964, 6974, 6984, 6994, 7004, 7014, 7024, 7034, 7044, 7054, 7064, 7074, 7084, 7094, 7104, 7114, 7124, 7134, 7144, 7154, 7164, 7174, 7184, 7194, 7204, 7214, 7224, 7234, 7244, 7254, 7264, 7274, 7284, 7294, 7304, 731

时：早，在古略，整队，下午，Sandstorm 会师，

d. 1911年2月, P. C. W. 在廣州, 李竹生, 蔡永祥

2. 李維印 (Ch. S. S. Lee) 2001, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682

37. 木上「附」 宗比木原枕院(調音) 225

46 17 13 10 9 8 7 6 5 4 3 2 1

b. 安東世說訓(27卷) 發行年 景子癸未(兵要地誌)續

62063248

以商社長 爲 *Ramona* 第一年訪問人、探合井稿、提

[illegible]

2000

故以此, 能另, 用代至想以上, 結果  $\gamma = 1$  = 能代人學文, 參照

1951年12月

[illegible][illegible]

63-04-2

140 卷 5 第 1 册 140 卷 5 第 1 册 140 卷 5 第 1 册

b. 1944-1946 1947-1948 1949-1950 1951-1952 1953-1954 1955-1956 1957-1958 1959-1960 1961-1962 1963-1964 1965-1966 1967-1968 1969-1970 1971-1972 1973-1974 1975-1976 1977-1978 1979-1980 1981-1982 1983-1984 1985-1986 1987-1988 1989-1990 1991-1992 1993-1994 1995-1996 1997-1998 1999-2000 2001-2002 2003-2004 2005-2006 2007-2008 2009-2010 2011-2012 2013-2014 2015-2016 2017-2018 2019-2020 2021-2022 2023-2024 2025-2026 2027-2028 2029-2030 2031-2032 2033-2034 2035-2036 2037-2038 2039-2040 2041-2042 2043-2044 2045-2046 2047-2048 2049-2050 2051-2052 2053-2054 2055-2056 2057-2058 2059-2060 2061-2062 2063-2064 2065-2066 2067-2068 2069-2070 2071-2072 2073-2074 2075-2076 2077-2078 2079-2080 2081-2082 2083-2084 2085-2086 2087-2088 2089-2090 2091-2092 2093-2094 2095-2096 2097-2098 2099-2100 2101-2102 2103-2104 2105-2106 2107-2108 2109-2110 2111-2112 2113-2114 2115-2116 2117-2118 2119-2120 2121-2122 2123-2124 2125-2126 2127-2128 2129-2130 2131-2132 2133-2134 2135-2136 2137-2138 2139-2140 2141-2142 2143-2144 2145-2146 2147-2148 2149-2150 2151-2152 2153-2154 2155-2156 2157-2158 2159-2160 2161-2162 2163-2164 2165-2166 2167-2168 2169-2170 2171-2172 2173-2174 2175-2176 2177-2178 2179-2180 2181-2182 2183-2184 2185-2186 2187-2188 2189-2190 2191-2192 2193-2194 2195-2196 2197-2198 2199-2200 2201-2202 2203-2204 2205-2206 2207-2208 2209-2210 2211-2212 2213-2214 2215-2216 2217-2218 2219-2220 2221-2222 2223-2224 2225-2226 2227-2228 2229-2230 2231-2232 2233-2234 2235-2236 2237-2238 2239-2240 2241-2242 2243-2244 2245-2246 2247-2248 2249-2250 2251-2252 2253-2254 2255-2256 2257-2258 2259-2260 2261-2262 2263-2264 2265-2266 2267-2268 2269-2270 2271-2272 2273-2274 2275-2276 2277-2278 2279-2280 2281-2282 2283-2284 2285-2286 2287-2288 2289-2290 2291-2292 2293-2294 2295-2296 2297-2298 2299-2300 2301-2302 2303-2304 2305-2306 2307-2308 2309-2310 2311-2312 2313-2314 2315-2316 2317-2318 2319-2320 2321-2322 2323-2324 2325-2326 2327-2328 2329-2330 2331-2332 2333-2334 2335-2336 2337-2338 2339-2340 2341-2342 2343-2344 2345-2346 2347-2348 2349-2350 2351-2352 2353-2354 2355-2356 2357-2358 2359-2360 2361-2362 2363-2364 2365-2366 2367-2368 2369-2370 2371-2372 2373-2374 2375-2376 2377-2378 2379-2380 2381-2382 2383-2384 2385-2386 2387-2388 2389-2390 2391-2392 2393-2394 2395-2396 2397-2398 2399-2400 2401-2402 2403-2404 2405-2406 2407-2408 2409-2410 2411-2412 2413-2414 2415-2416 2417-2418 2419-2420 2421-2422 2423-2424 2425-2426 2427-2428 2429-2430 2431-2432 2433-2434 2435-2436 2437-2438 2439-2440 2441-2442 2443-2444 2445-2446 2447-2448 2449-2450 2451-2452 2453-2454 2455-2456 2457-2458 2459-2460 2461-2462 2463-2464 2465-2466 2467-2468 2469-2470 2471-2472 2473-2474 2475-2476 2477-2478 2479-2480 2481-2482 2483-2484 2485-2486 2487-2488 2489-2490 2491-2492 2493-2494 2495-2496 2497-2498 2499-2500 2501-2502 2503-2504 2505-2506 2507-2508 2509-2510 2511-2512 2513-2514 2515-2516 2517-2518 2519-2520 2521-2522 2523-2524 2525-2526 2527-2528 2529-2530 2531-2532 2533-2534 2535-2536 2537-2538 2539-2540 2541-2542 2543-2544 2545-2546 2547-2548 2549-2550 2551-2552 2553-2554 2555-2556 2557-2558 2559-2560 2561-2562 2563-2564 2565-2566 2567-2568 2569-2570 2571-2572 2573-2574 2575-2576 2577-2578 2579-2580 2581-2582 2583-2584 2585-2586 2587-2588 2589-2590 2591-2592 2593-2594 2595-2596 2597-2598 2599-2600 2601-2602 2603-2604 2605-2606 2607-2608 2609-2610 2611-2612 2613-2614 2615-2616 2617-2618 2619-2620 2621-2622 2623-2624 2625-2626 2627-2628 2629-2630 2631-2632 2633-2634 2635-2636 2637-2638 2639-2640 2641-2642 2643-2644 2645-2646 2647-2648 2649-2650 2651-2652 2653-2654 2655-2656 2657-2658 2659-2660 2661-2662 2663-2664 2665-2666 2667-2668 2669-2670 2671-2672 2673-2674 2675-2676 2677-2678 2679-2680 2681-2682 2683-2684 2685-2686 2687-2688 2689-2690 2691-2692 2693-2694 2695-2696 2697-2698 2699-2700 2701-2702 2703-2704 2705-2706 2707-2708 2709-2710 2711-2712 2713-2714 2715-2716 2717-2718 2719-2720 2721-2722 2723-2724 2725-2726 2727-2728 2729-2730 2731-2732 2733-2734 2735-2736 2737-2738 2739-2740 2741-2742 2743-2744 2745-2746 2747-2748 2749-2750 2751-2752 2753-2754 2755-2756 2757-2758 2759-2760 2761-2762 27

制	序
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庚子5月17日 薩摩命令より Sandakan 分所長ノ使ガ  
リ高島大尉ガ島大尉ノ後任ニナリマシタガ私ハ高島大尉  
計ニ俘虜ノ待遇ニ関スル私ノ希望ヲ傳ヘマスト共ニ星野大尉  
ノ本館編成計ハコトナク置リ標ニ告ケ管中供ニモコト  
ノ傳ヘ望ミシマシタ

私ハ高島大尉 計ニ舟輪運ニコシ「カナン」移動スル  
コトハ許スカ 之ハ一時的ノモノデ收容所ハ行ク行ク「  
Raman」ニ移ス考ヘナルコリ「カナン」ヨリ「ラバタ」  
ヨリ運送シ「ボト」附近迄可デ移動スル計思フ爲メ  
第1期 命令ニハ Sandakan 港ニ船舶工兵隊ヲ使  
用シコイトノ許シヲオキマシタ

C. 此ノ地 Sandakan 防衛隊長ヨリハ華台軍、Sandakan  
上陸ノ可能性ヲ再ニ報告シテ来マシタ私ハ Sandakan  
分所、Raman 移動ヲ決定シ5月20日ニカ移動ニ付ス  
ル命令ヲ発シマシタ

此ノ命令ハ Sandakan 俘虜收容所ヲ Raman 移ス  
軍司令官ノ意ヲ明示シ且此ノ移動實施ノタメ、準備ス  
ベキ事項 内ニ内隊各部隊（高島大尉、船舶工兵隊  
Sandakan 防衛隊長、浪部隊長 陸軍病院長、砲  
兵隊長）計ニ彼等相互ニ協定スベキコトヲ包含セシ  
マシマス

然レ移動開始ノ日及移動部隊ノ内ニハ未ダ此ノ移動  
命令ノ中ニハ包含セリテナカッタ

Sandakan 分所、Raman 移動 内スル私ハ、乃ハ  
陸路行軍ノ本館編成ニモコトナク併用スルモノデアリ  
マシタ健康ニシテ長途ノ行軍 堪エ得ルモノハ陸路ニヨ  
リ運送シモハ本館ノ移動カス トコナク列ノレマシタ  
Sandakan 移ス考ヘシカ

此ノ命令ニ 内ニ陸 軍バカビテ命令ヲ発ニシト共ニ

高松大村ハ協議ノ結果ヲ報告シ又 Raman、海軍部隊  
Sandakan 防衛隊及 Sandakan - Raman 間ニアリ  
マシテ既ニ之ヲ援助シ命ジヤシ

D. 然ルニ「セツセルトン」降参ニ於ケルハ 5月21日朝ヨリ  
「セツセルトン」ボート、同、鉄道線表ガ初マシヤ  
リテ軍司令部ハ「アム」ニ移動ノ準備スル様ニナリ  
先ツ参謀長ニ高橋参謀ヲ附シ「アム」ニ先行セシメ  
私ハ 5月22日夜「セツセルトン」ヲ乗テ 26日朝  
「アム」ノ新軍司令部ニ着キ参謀長ヨリ本朝

Sandakan 通信所ヨリ高松大村、保摩ノ行軍ニ関  
スル意見奥中ガ承リマシタスヲ報告ヲ受ケマシタリ  
私ハ健康ナル者ノミ行軍セシムル様電命シマシタ

5月27日朝 Sandakan 防衛隊長ヨリ連合軍ハ本日  
夜明前ヨリ空海協同シテ Sandakanニ於テ攻出  
ク圍捕シ目下激戦中ニシテ 5-6隻ノ軍艦ハ高内ニ  
侵入シテ砲撃射撃ヲ行ヒツ、アリト電報ヲ受テ取リマシ  
タガ此ノ午前ヨリ通信ハ杜絶シ夜後 10日許リ連絡ガツカ  
6月10日頃ニ至リヤツト連絡ガツキ Sandakan 防衛  
隊長ノ報告ニヨリ夜ノコトヲ知リマシタ

1. Sandakanハ 5月27日ヨリ 3日間ニ及リ海軍連合シテ  
行ハ然ルニ攻出ヲ受ケ得ニ付ハ町内及ビ市街ニ  
於テハ砲火又機銃射撃ハ激甚ニシテ之ガツテ飛行  
機ハ全無使用シ得ニ付又市街ハ砲火及機銃射撃  
ノツメ所ニ大變ノ苦痛ニ堪ヘズ破壊状態ニナリ

2. 高松大村ハ保摩ヲ連シテ 27日夜ニ先 Raman  
向ケリ

3. 分隊ノ数ハ「ボート」ニ乗リテ初メアリ  
更ニ数ヤリシメアリテ行キ行キニ至リマシタ



市街ハ一時空襲被害 前より空地 向に移動に初ム事  
ナル 混乱 現出シタル 日下 平野 賑ヒリ

F. Ranae - 向、保護ノ事 - 次、行軍ハ 街ヲ 和ヲ 威嚇ス  
於テ P. O. W. 收容所長 高松大尉 ノ 此ムヲ 得ナル 強敵  
ヲ 開始カレタモノ アラス

若シニ 街ノナル 状態 - 於テ 行ハレタル ナラバ 甚イ 難  
ハ 現ハレナカッタニト 考ヘマス

口 本軍司令官タル 松ハ 保護 - 対シ 打撃シ 所ナ イモノ 迄  
軍サセル 様ニ 意ハ 次シ ナク 又 実行ヲ 命ズルガ 如ク  
ナヤコト 神明 - 誓ツ 申シ上ゲマス

G. 此、地 西 海岸 方面 - 於キ マシハ 毎 日 飛行機ノ 襲撃  
ヲ 受ケ ナイ ロハ ナク 特ニ 「ゲ - ン」 飛行場ハ 機  
的 - 破壊セシ 次デ 5月 28日 頃 コハ 「アノム」  
- ホート」 向、鉄道 - 対スル 爆撃ヲ 開始セシ リッ  
在リ マシタ 鉄道 橋ハ 6月 初旬 迄 - 悉ク 破壊セシ  
6月 5日 - ハ 「アノム」ノ 大爆撃ガ 市街ハ 此ノ  
一ロ - シタ 上 破壊セシ 街 翌日 - ハ 軍司令官 特  
フ 彼ケ 充電所 - 故障ヲ 生ジテ - 時 各地トノ 連絡  
中断スル 状態ト ナリタリ

連合軍ハ 6月 9日 コリ 「ラダリ」 島 及ビ 「ナルキ」  
沿岸 - 上陸 作戦ヲ 開始シ 次デ 20日 頃 - ハ 「ミツ」  
上陸シ 24日 頃 - ハ 「ウェストン」 「ボ - ホート」 - 対スル  
攻撃ガ 行ワレ 6月 末 以降 第3月 軍ハ 「ボ - ホート」  
南方、陥落 ロッ 同年 12月 迄 戦 翌 年 迄 約 2月 - 間  
備蓄ナル 連合軍、陸 協同 攻撃ヲ 受ケテ 数戦ヲ 戦  
タル 状態ガ アリマシタ

H. 約ハ 6月 10日 頃 Sandakan 1ノ 消息ガ 行ハル  
様ニ ナリ 高松大尉ガ P. O. W. 達ニ 忠告シ タコト  
ハ 此ノ 地、平野、状態、保護、要請、ヲ 要スル 位

中山大尉、經理部特校、軍中特校、機務兵等十人  
 附してR.P.D.「アノム」を出発し先づRanauに到り  
 P.O.W.ノ行軍状況ヲ調査し、第一兵站隊路に於  
 テル高桑大尉ノ行軍、監視指導ヲスル様、命じマシタ  
 特、高桑大尉が若しRanauに到着してオレハ座  
 軍司令部に連絡してP.O.W.ノ行軍状況ヲ報  
 告スル様、命じマシタが遂に終戦に至ル迄  
 中山大尉カモ、高桑大尉カモ何事ノ報告ガ  
 アリマセデシタ

夫レハ軍ノ作戦ガ失敗して上陸セル陸軍ノ勢力  
 ガ「ボート」附近に退却スル、反テ「アノム」  
 ト「ラナウ」間ノ交通連絡ガ完全ニ遮断サレタ  
 結果デアリマシタ

斯ク、私ハ第一次ノ行軍ノ結果ヲ知ツテカッ約  
 3ヶ月ノ間偵テタネム、努カハ全ク不測ノ事態  
 コツテ失敗、歸シ不幸ナル結果ヲ繰リ返ヘス  
 至ツタコトハ「ブルネー」島周辺に於ケル軍作  
 戦ノ失敗ト共、私ニトツテ最も悲痛ナコトデアリ  
 マシタ

即下。即下起个儿，成是行向，就

1945年11月21日 和 第24軍司令部 上(2) 0700000000 第12

1. 调查一切材料，按性质分类，各归其类，并立作数，按性质如何

成七、一、二、三、四、五、六、七、八、九、十、十一、十二、十三、十四、十五、十六、十七、十八、十九、二十、二十一、二十二、二十三、二十四、二十五、二十六、二十七、二十八、二十九、三十、三十一、三十二、三十三、三十四、三十五、三十六、三十七、三十八、三十九、四十、四十一、四十二、四十三、四十四、四十五、四十六、四十七、四十八、四十九、五十、五十一、五十二、五十三、五十四、五十五、五十六、五十七、五十八、五十九、六十、六十一、六十二、六十三、六十四、六十五、六十六、六十七、六十八、六十九、七十、七十一、七十二、七十三、七十四、七十五、七十六、七十七、七十八、七十九、八十、八十一、八十二、八十三、八十四、八十五、八十六、八十七、八十八、八十九、九十、九十一、九十二、九十三、九十四、九十五、九十六、九十七、九十八、九十九、一百。

英國法律學家又非戰爭與戰爭之關係

1. 讀者、時、日、正、我、上、傳、受、以、接、之、取、得、之、年、日、也、

2. 聲音 / 詞水 / 從 / 以 / 辨 / 別 = 一印係長 / 計 / 此 / 增

陳維理、計策協、印下、盤勢如棋、命、死、和、劫、

该城居民多文/分租房屋/交通道路/不便(大等)

该厂生产纸为四、挂纸，有104张纸， $104 \times 104 = 10816$ 张

德國歌德 44181 437447 壹萬玖千玖百玖拾玖

... 余因于十歲... 德意... 第一... 行軍... 之... 和...

[illegible]

第...次...  
姓名：...  
学号：...  
班级：...  
日期：...

此水亦即柳工部軍器司之精磨以打

李振輝、張宇司合資，廣州分公司與司合資。地址：東莞。

第一、二、三、四、五、六、七、八、九、十、十一、十二、十三、十四、十五、十六、十七、十八、十九、二十、二十一、二十二、二十三、二十四、二十五、二十六、二十七、二十八、二十九、三十、三十一、三十二、三十三、三十四、三十五、三十六、三十七、三十八、三十九、四十、四十一、四十二、四十三、四十四、四十五、四十六、四十七、四十八、四十九、五十、五十一、五十二、五十三、五十四、五十五、五十六、五十七、五十八、五十九、六十、六十一、六十二、六十三、六十四、六十五、六十六、六十七、六十八、六十九、七十、七十一、七十二、七十三、七十四、七十五、七十六、七十七、七十八、七十九、八十、八十一、八十二、八十三、八十四、八十五、八十六、八十七、八十八、八十九、九十、九十一、九十二、九十三、九十四、九十五、九十六、九十七、九十八、九十九、一百。

新編 蘇東二軍司令部 周文人等遺稿 收齊所...

例 2. 例 1 中, 假设  $\alpha = 0.05$ , 求  $\beta$  及  $P(\alpha, \beta)$  对  $\alpha$  作图。

1979年製：T2823

在九公軍(已同)下。

2) 41 37 772

[illegible]

... 狀... 詳細... 把握... 得... 力... 小...

[illegible][illegible][illegible]

《中国大百科全书》

第一輯 政治經濟學名著選編





UNITED NATIONS ARCHIVES		CAMERA OPERATOR'S REPORT AND CERTIFICATE		REEL NO. 50
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		Results of Various National Trials of War Criminals Synopses of Trial Reports received from National Authorities <u>Australian Trials</u> Records of Military Courts (Japanese War Criminals) Japanese Defendant - Transcripts of Proceedings and Exhibits		
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Signature of  
Camera Operator: Steven Z. T. a

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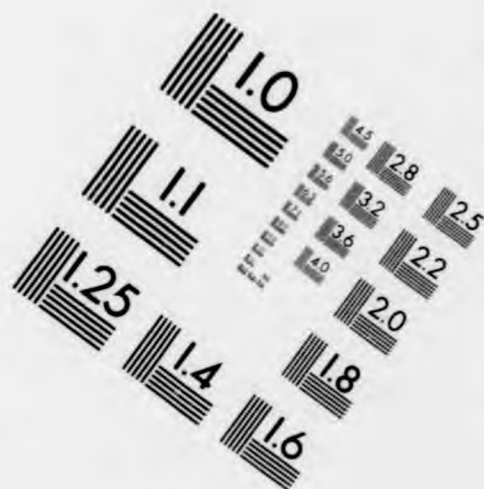
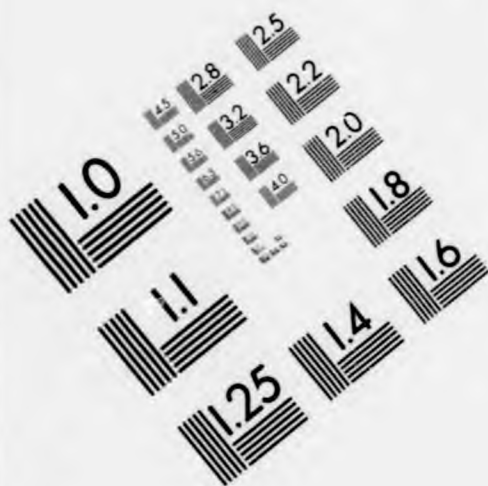
**Z**

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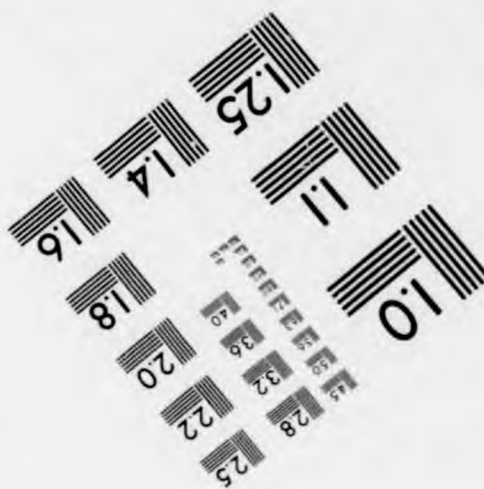
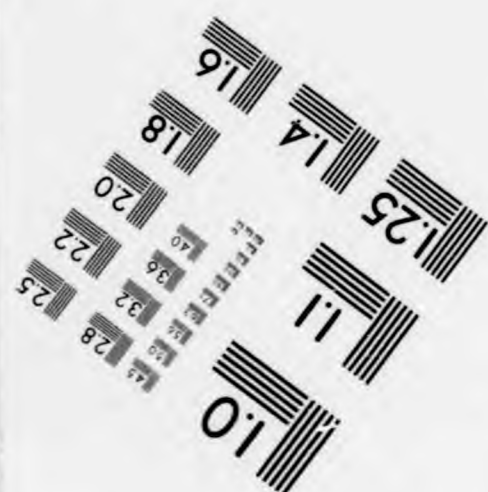
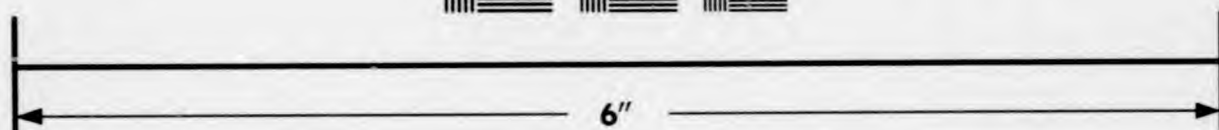
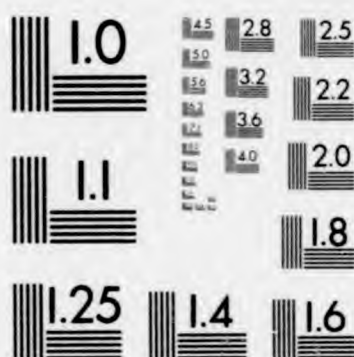
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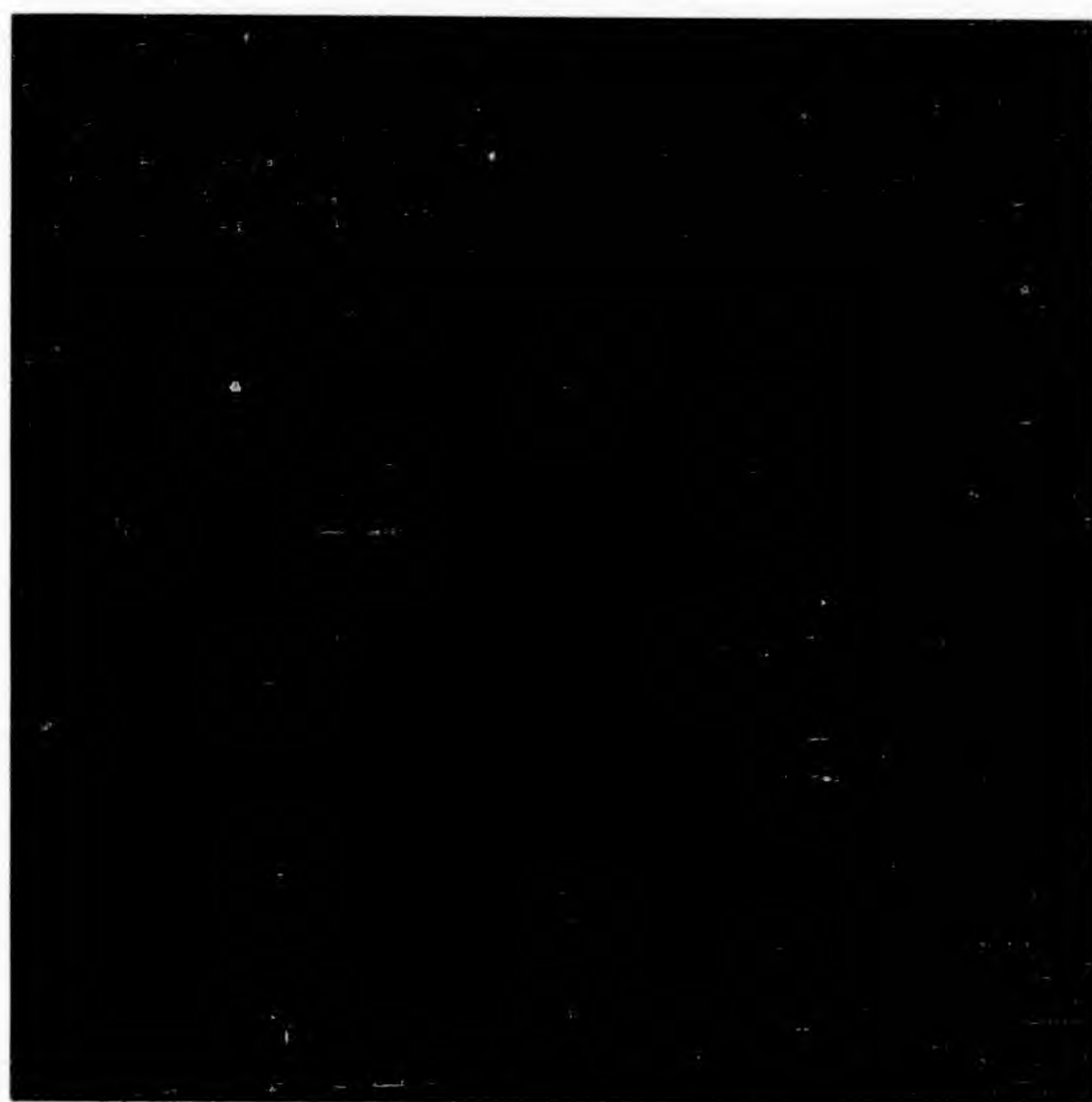




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PAG - 3

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**1988**





5 oct. 1978 united nations archives-microfilm

